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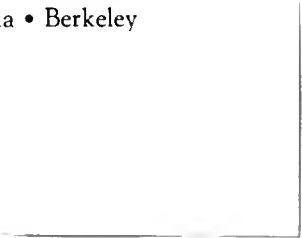
STATE GOVERNMENT ORAL HISTORY PROGRAM

INTERVIEW WITH
RITA SINGER

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California State Archives
State Government Oral History Program

Oral History Interview

with

RITA SINGER

Attorney, United States Department of Interior, 1944-1976
California Department of Water Resources, 1977-present

July 24, August 7, August 13, September 13, 1991
Sacramento, California

By Malca Chall
Regional Oral History Office
University of California, Berkeley

RESTRICTIONS ON THIS INTERVIEW

None.

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PREFACE

On September 25, 1985, Governor George Deukmejian signed into law A.B. 2104 (Chapter 965 of the Statutes of 1985). This legislation established, under the administration of the California State Archives, a State Government Oral History Program "to provide through the use of oral history a continuing documentation of state policy development as reflected in California's legislative and executive history."

The following interview is one of a series of oral histories undertaken for inclusion in the state program. These interviews offer insights into the actual workings of both the legislative and executive processes and policy mechanisms. They also offer an increased understanding of the men and women who create legislation and implement state policy. Further, they provide an overview of issue development in California state government and of how both the legislative and executive branches of government deal with issues and problems facing the state.

Interviewees are chosen primarily on the basis of their contributions to and influence on the policy process of the state of California. They include members of the legislative and executive branches of the state government as well as legislative staff, advocates, members of the media, and other people who played significant roles in specific issue areas of major and continuing importance to California.

By authorizing the California State Archives to work cooperatively with oral history units at California colleges and universities to conduct interviews, this program is structured to take advantage of the resources and expertise in oral history available through California's several institutionally based programs.

Participating as cooperating institutions in the State Government Oral History Program are:

Oral History Program
History Department
California State University, Fullerton

Oral History Program
Center for California Studies
California State University, Sacramento

Oral History Program
Claremont Graduate School

Regional Oral History Office
The Bancroft Library
University of California, Berkeley

Oral History Program
University of California, Los Angeles

The establishment of the California State Archives State Government Oral History Program marks one of the most significant commitments made by any state toward the preservation and documentation of its governmental history. It supplements the often fragmentary historical written record by adding an organized primary source, enriching the historical information available on given topics and allowing for more thorough historical analysis. As such, the program, through the preservation and publication of interviews such as the one which follows, will be of lasting value to current and future generations of scholars, citizens, and leaders.

John F. Burns
State Archivist

July 27, 1988

This interview is printed on acid-free paper.

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Interesting work in DWR continues.

INTERVIEW HISTORY

Interviewer/Editor

Malca Chall

Senior Editor, University of California at Berkeley State Archives

State Government Oral History Program

B.A. Reed College, Portland, Oregon (Political Science)

M.A. University of Iowa, Iowa City, Iowa, (Political Science)

Interview Time and Place

June 24, 1991

Session of two hours

August 7, 1991

Session of one and a half hours

August 13, 1991

Session of one hour

September 13, 1991

Session of two hours

All session took place in Rita Singer's office in the Department of Water Resources, Sacramento, California.

Editing

The interviewer/editor checked the verbatim manuscript of the interview against the original tape recordings; edited for punctuation, paragraphing, and spelling; verified proper names and prepared footnotes.

On April 28, 1992, the edited manuscript was sent to Miss Singer for her approval. She returned it July 2, 1992 with minor revisions.

The interviewer/editor prepared the introductory materials.

Papers

There are no private papers which the interviewer was able to consult for this interview. The detailed resume of Singer's career (attached) provided significant assistance.

Tapes and Interview Records

The original tape recordings of the interviews are in The Bancroft Library, University of California at Berkeley. Records relating to the interview are at the Regional Oral History Office. Master tapes are deposited in the California State Archives.

BIOGRAPHICAL SUMMARY

Rita Singer was born July 23, 1915 in Toronto, Ontario. Shortly thereafter, her family moved to Detroit where she had her elementary and high school education. From 1934-1938 she attended the University of Michigan in Ann Arbor from which she received her A.B. and LL.B. degrees. After a year of working in a small law office in Detroit she moved to New York City where she had a position as an administrative assistant for a philanthropic organization helping to settle European refugees in the Dominican Republic. For one and one-half years of those two years (1939-1941) she lived in Santa Domingo.

Her long-term career as an attorney with the federal government in Washington, D.C. began in 1942 in the Department of Agriculture specializing on tasks for the Forest Service and the Farm Security Administration. In 1944 she transferred to the solicitor's office in the Department of the Interior working primarily with the Bureau of Indian Affairs, a position she held until 1948 when she moved to Sacramento, California as area counsel for the BIA. In 1963 she was assigned to the Bureau of Reclamation dealing in matters relating to water law which included electric power contracts, Westlands Water District, and the San Luis Unit contract negotiations.

From 1977 she has held a part-time position as a staff attorney in the office of the chief counsel, California state Department of Water Resources where she is working in the area of environmental law, drafting contracts, analyzing federal and state legislation, etc. See appended vita for additional details.

Rita Singer
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Education: A.B. University of Michigan, 1936
L.L.B. University of Michigan, 1938

Professional Qualifications:

Member of State Bar of Michigan and California; eligible to practice in all state and federal courts in both states.

Work Experience:

1977 to Present: Staff Attorney in the Office of the Chief Counsel, Department of Water Resources in the area of environmental law, including drafting and analysis of federal and state legislation, negotiations involving implementation of policies, preparation of briefs, interpretation of federal reclamation law and policy, and drafting of contracts. For several years I represented the Secretary of the Resources Agency on the Tahoe Regional Planning Agency. I was the delegate of the Director of the Department of Water Resources on the District Securities Advisory Commission.

1948 - 1976: Assistant Regional Solicitor, Department of Interior, Sacramento. The Regional Solicitor's Office is responsible for all legal matters relating to the programs and operations of Interior agencies, bureaus, and offices in the States of California, Nevada, Arizona, and Hawaii. The Regional Solicitor delegates to his two assistants a major portion of his responsibilities; they have authority to make decisions concerning the operation and management of the Regional Solicitor's Office.

During that period, I became thoroughly familiar with the programs of the Bureau of Indian Affairs, Bureau of Land Management, Bureau of Reclamation, National Park Service, Fish and Wildlife Service, and Geological Survey. Many of those matters interfaced with policies and programs of each other, those of other federal agencies, and of state and local entities. In many situations, I assisted in the formulation of new policies, both local and national, new legal procedures, and the development of the instruments to implement them.

The areas of law in which I specialized are administrative law, including quasi-judicial hearings, federal and state regulations and claims; contract law, including complex utility contracts for electric power and energy, supply and procurement, labor contracts, construction contracts for dams, power lines, canals; real property law involving timber rights, water rights, mineral rights, trespass, leaseholds, easements, trusts, mortgages, federal and state eminent domain proceedings; probate and administration of estates, including guardianships and conservatorships; personal property law, taxation, particularly state and federal laws regarding income, gifts, estate, sales, corporation and excise taxes; legislation; constitutional law, particularly with respect to federal-state relationships; torts; Indian laws, including advice to Indian tribes and councils.

In these areas I have prepared numerous pleadings in litigation brought in federal courts and assisted the Department of Justice in the prosecution of suits brought by and against the United States and the Secretary of the Interior. Many of the cases were appealed to the United States Supreme Court and became landmark decisions affecting policies through^{out} the nation.

My duties included representing the Interior Department as counsel in negotiations with private individuals, companies, associations and organizations as well as governmental entities at all levels. In all these connections, I had authority to exercise independent judgment and determination. BEcause of my long tenure in the Department, I am knowledgeable in the organization, operation, programs and objectives of the various Interior agencies. I have also had extensive experience in dealing with and supervision of personnel in the Regional Solicitor's Office.

1947 - 1948: Private practice in Washington, D.C., handling Indian claims litigation involving many Alaska tribes.

1944 - 1947: Attorney in Solicitor's Office, Interior, Washington, D.C., specializing in territorial and Indian legal matters.

1942 - 1944: Attorney in General Counsel's Office, Department of Agriculture, Washington, D.C., specializing in Forest Service and small farm programs (Farm Security Administration).

1939 - 1941: Administrative assistant in philanthropic organization resettling refugees in the Dominican Republic including a one and a half year stint in that country.

1938 - 1939: Private practice in Detroit, Michigan.

Organizations:

Director, Board of Directors, League of Women Voters

Vice President, Federal Bar Association

Director, Sacramento County Bar Association

President, Women Lawyers of Sacramento

President, Local 951, National Federation of Federal Employees

President, Sacramento Chapter, American Civil Liberties Union

Publications:

Legal Implications of Land Subsidence in the San Joaquin Valley (1976)

Scope of Review of Court of Claims Under the Provisions of the Wunderlich Act (1971)

Indian Custom Marriage Among California Tribes (1960)

Indian voting Rights (1947)

Several notes and comments as student editor of Michigan Law Review (1937-38)

[Session 1, July 24, 1991]

[Begin Tape 1, Side A]

CHALL: Am I disturbing too much of your work? I see you've got stuff all over your desk.

SINGER: I work part time, as you probably recall my mentioning. And so this is the first day of the week for me.

CHALL: Oh, I see. This is Wednesday, isn't it?

SINGER: Yes.

CHALL: Let's start with your date and place of birth so we have the background established.

SINGER: I was born in Toronto, Ontario [Canada], and was a preemie.

CHALL: Oh really. How much of a preemie?

SINGER: I think a couple of months. I was very small, and considering that that was some time ago, I'm surprised that I'm such a healthy person. But I am.

CHALL: Yes, well, that's good.

SINGER: I met someone just a couple of days ago who is a big husky man, but he's going blind, which is attributed to that . . .

CHALL: But that was later, probably, in the forties, when they put them into incubators.

SINGER: Yes, I guess that's right. He did talk about that.

CHALL: That was different. With you they probably wrapped you in a blanket and . . .

SINGER: Yes; I was lucky.

CHALL: None of these modern techniques. And do you mind saying when?

SINGER: July 23, 1915. So I had a birthday yesterday.

CHALL: Oh, congratulations.

SINGER: Thank you.

CHALL: Why did you happen to be, or your parents happen to be, in Ontario, Toronto, at that time?

SINGER: They were living there. My mother had lived there for many, many years, and my father had not been there long, but that's where they lived. The fact that it was 1915, you realize, the First World War was on, and my father didn't want to serve in the army, so he and my mother moved to the United States.

CHALL: Oh, at that time, shortly after.

SINGER: Shortly after, very shortly after, yes.

CHALL: Was your mother born in Toronto? Was she a Canadian?

SINGER: No, she was born in Austria.

CHALL: In Austria.

SINGER: Yes, but she came to Canada as a very small child.

CHALL: With her parents?

SINGER: Yes, with her mother. My father was born in Poland and came by himself as an immigrant.

CHALL: To Toronto? Is that how he happened to meet your mother?

SINGER: To Toronto, yes. That's how he happened to meet my mother.

CHALL: What was your mother's maiden name? That's probably here.

SINGER: It was Hilda Brody.

CHALL: H-I-E-L-D-E probably, like Gielde. Brody. And your father's. . . . Singer is your maiden name or your married name?

SINGER: That's my maiden name.

CHALL: And his first name?

SINGER: Harry.

CHALL: So were you the first one born in Toronto after they were married?

SINGER: No, my brother had been born before I was. He was born in 1914, not too long before. I think that I was not a planned-for baby. Well, I don't know. That's speculation. [Laughter]

CHALL: And his name?

SINGER: His name is David Singer.

CHALL: So he's a year older than you. And then the two of you and your parents then moved to . . .

SINGER: Detroit.

CHALL: And when you moved to Detroit, what did your father do there?

SINGER: He worked at a department store--I think it would be called a department store now. Maybe it was then, too--I don't know. At any rate, that's what he did.

CHALL: And your mother was a . . .

SINGER: Housewife.

CHALL: . . . homemaker, as we call them now.

SINGER: Homemaker, yes.

CHALL: And were there any children to follow?

SINGER: No.

CHALL: No siblings to follow. So all of your education then was in Detroit? From grammar school through college--well, I don't know about the university at least through high school.

SINGER: Through high school, yes. Yes, I find it quite remarkable that I went to school with the same friends throughout that whole period. We moved a little bit, but it was a very stable home atmosphere.

CHALL: What you would call middle class?

SINGER: No, I think it was lower class--lower middle class. At the time I thought my parents were quite poor.

CHALL: Oh, you did think they were poor.

SINGER: Yes, they had to work very hard.

CHALL: Your father.

SINGER: Well, my mother did, too. Yes, because sometime very early in my life--I would say I probably was four or five years old--my parents opened a shop of their own, and then my mother worked with my father, very hard.

CHALL: Yes. And what kind of a shop was that?

SINGER: It was a dry goods store. I would call it general . . .

CHALL: Yes, general store. In a small neighborhood, a neighborhood store?

SINGER: Yes.

CHALL: In Detroit?

SINGER: Yes.

CHALL: And at that time was your neighborhood lower middle class caucasian?

SINGER: Yes. I think it consisted of people who were immigrants or first generation Americans. It was a population that primarily worked in factories. You know Detroit is, or was--maybe it still is some--an automobile city. It was already a manufacturing center by that time.

CHALL: Was there a religious background in your family?

SINGER: Well, my family is Jewish. I would say to some extent we practiced Judaism. It wasn't a major part of my life as I was growing up.

CHALL: Were you going to Sunday school?

SINGER: No. Jewish people don't usually go to Sunday school. But our life wasn't completely not Jewish, because we practiced some of the traditions, Friday night Sabbath, and I knew when the religious holidays occurred. But we didn't live in a Jewish neighborhood, so my friends were mostly not. I didn't feel that it was an important part of my mother's ethics.

CHALL: Nor your father's?

SINGER: Well, more my father's.

CHALL: Did he attend the synagogue or the shul?

SINGER: Yes.

CHALL: Holidays and things like that.

SINGER: Holidays. When his parents had died he went through those prayers. I think that he thought about it more.

CHALL: Your mother's parents were in Toronto, I take it.

SINGER: They had died. I never knew them. I never knew any of my grandparents.

CHALL: I see. Did your mother have any contact with her mother?

- SINGER: She had died before my mother married.
- CHALL: Oh, she had died already.
- SINGER: My mother was the youngest of a very large family. Her father died before she was born, in an accident. So she didn't know him. But she was very close to her mother because that was her main family. And then shortly after other members of the family went to Canada to live, they invited their mother to come with the remaining two young children. So they did.
- CHALL: And the remaining two, did they stay in Toronto, or did they ever immigrate into the United States?
- SINGER: Nobody else immigrated to the United States. The brother I'm describing died as a young man from tuberculosis. But there were other siblings in Toronto. We kept close contact with relatives in Toronto and went there frequently.
- CHALL: Oh, you did? Because it's just really over the border, isn't it?
- SINGER: It's very close by, yes. In my early childhood, our family acquired an automobile, and we drove to Toronto quite often. That was our main contact with relatives, because there weren't any in Detroit.
- CHALL: Did your parents have expectations, particular expectations, for their children as so many immigrant parents do?
- SINGER: Especially Jewish?
- CHALL: Yes.
- SINGER: Yes, they wanted us to be educated, and it was always assumed we would go to college, somehow. We were encouraged to read and to be interested in studies, to be serious.

- CHALL: Were they--let's see, this was 1920 or so--was your mother interested in the women's movement, in suffrage?
- SINGER: Very much.
- CHALL: I see.
- SINGER: She certainly encouraged me to feel that women should be respected and on their own. And, yes, I was encouraged to do whatever I felt I was capable of doing by both of my parents. Both of my parents felt that way, particularly my mother. I think my mother was more articulate than my father anyway, in most respects.
- CHALL: She had a better grasp of western culture perhaps than your father did.
- SINGER: Well, he did in some ways. He sincerely believed in the work ethic--working hard, and making your own way, and being a part of this kind of society. I think both of them felt that if it wasn't exactly the promised land, it was a close approximation.
- CHALL: It's better than what they had come from, except for Toronto, of course.
- SINGER: Even there. I think that there was more freedom here, more opportunity to get established and to do better than they had grown up with. There was much less to fear, even though there were outbreaks of anti-Semitism here and there. It was much less threatening than where they had come from in Europe.
- CHALL: During, what was it, the thirties or the forties, Henry Ford had his Protocols. How did that affect you?

SINGER: Well, I don't think that that had a real impact. People were displeased. There was also a Catholic priest in Detroit--Father [Charles] Coughlin--who caused a lot of consternation.

CHALL: Oh, yes.

SINGER: And we discussed it at home. But I think, as in Germany, people downplayed it. Anyway, I felt that as Jews they weren't frightened all the time, but they were aware that it's never safe. You never rest until it's all over, as it were.

CHALL: Yes, one must always be vigilant, continually vigilant.

SINGER: Yes, and they were reluctant to become too integrated. They wanted us to be assimilated but not too. With my mother I think that she hoped that at some time distinctions would be decreased or lessened or maybe even obliterated. She was a humanist.

CHALL: A humanist and an early feminist.

SINGER: Yes, a Socialist.

CHALL: Well, you had an interesting background there. So, then you went to college in about 1932, I would guess it might have been.

SINGER: Yes.

CHALL: Did your brother precede you?

SINGER: Yes, he went to college, and I think that he enjoyed it--not as much as I did. I found it very stimulating and different from experiences I had had before, especially when I went away from home. I loved that.

CHALL: Where is the University of Michigan?

SINGER: In Ann Arbor. Not very far from Detroit, about forty or fifty miles.

- CHALL: So this was 1932, and your parents were able to send you away, to allow you to live away from home. How did you manage that in the midst of the Depression?
- SINGER: We managed it somehow. I worked during the summers. The tuition at that time was minuscule, maybe \$35 a semester or something like that--some very small amount. It's true that it wasn't the same as if I was earning a living, but since my parents felt that it was so important, they were willing to help me as much as I needed.
- CHALL: And they were still working in their own store at that time.
- SINGER: Yes. In general, their situation had improved economically. But they lived modestly. They lived in an apartment above their store.
- CHALL: Oh, they did? Had they always lived in the apartment above the store as you were growing up?
- SINGER: Pretty much.
- CHALL: That's typical, but I wasn't sure . . .
- SINGER: Yes. It was very convenient from the standpoint of you don't lose any time commuting the way I do now.
- CHALL: [Laughter] That's right. You just go downstairs.
- SINGER: But you're tied to your business, too.
- CHALL: Oh, certainly.
- SINGER: Anyway, my mother was an indefatigable worker. My father, I think, worked hard, too. As you can tell from the way I describe my relationship to them, I was much closer to my mother. Partly, I think, it was my father's personality. He was a very reserved person. I would say it was hard to find out what was

going on inside of him. I find that to be true with my brother, too.

CHALL: Oh.

SINGER: Since his wife says the same thing and my mother said the same thing, I guess maybe I wasn't the only one who had the problem.

CHALL: Did your brother become a professional person?

SINGER: Yes. He majored in psychology and became a social worker for a while and then worked in labor relations. I would say that I never saw him as happy as when he retired and since then. I think he probably was good at his work, but he loves not having it around. It's just the opposite with me. I can't let go of it. Here I am seventy-six and still wanting to do this . . .

CHALL: Good for you. [Laughter]

SINGER: I think it's good for me, but his life in retirement is good for him, too.

CHALL: Whatever is right.

SINGER: Yes, whatever's right.

CHALL: For the person.

SINGER: And it's very fortunate that we each can do what we prefer.

CHALL: Where is he living now?

SINGER: In Portland, Oregon. We're close to each other, but I don't feel that I know him very well. I think that one doesn't only make judgments on the basis of conversation, but it does have a lot to do with it. I think some of our other experiences can influence us. Well, you can misinterpret in speaking, too, but at any rate, I don't pretend to conjecture as to what is going on inside of him.

- CHALL: What prompted you while you were doing your undergraduate work to be interested in a legal career?
- SINGER: Something must have, because it started very early in my calculations. I can't remember when I didn't want to be a lawyer.
- CHALL: Is that right? Even when you were in high school?
- SINGER: Even when I was in high school. I like that kind of challenge-- that kind meaning analytical thinking and challenging people's statements, which I guess I still do. In fact, I've been getting criticized for it.
- CHALL: It's a way to get to the bottom of the issue, isn't it?
- SINGER: But one doesn't always have to get to the bottom. I don't always do it, I suppose, but I very frequently find people's generalizations meaningless.
- CHALL: So, you finished in 1936, and what was your major? Was it called pre-law in those days?
- SINGER: I think so. In my situation I could take my first year of law as my last year of undergraduate [study], so that I had six years for my whole student career.
- CHALL: I wondered how you could get your LL.B. in two years, that's the reason.
- SINGER: After my first year of law school is when I got my A.B. I think that's only available--if it is available at all anymore--but at that time, for people who had certain scholastic qualifications, and also who were Michigan residents. I don't recall. I know I was eligible. I did it because I didn't feel that I wanted to stay in school any longer than I needed to in order to get a law degree,

although I loved going to school, and I loved living in a small town after living in a very big city and an ugly one, I thought.

CHALL: Even then you thought it was ugly. [Laughter]

SINGER: Yes, really.

CHALL: What was it like in law school then? Were there any or many women in law school?

SINGER: There were very few, but there were some, in both the years ahead of me and the years following during the period I was there. In my class there were two other women. I don't feel that we were particularly close to each other. One of them was a person who lived at home because her family lived in Ann Arbor, and the other was quite a bit older. I think she came back to school after having been away for several years, and she lived with her mother. Although we were not uncomfortable with each other, we weren't close friends. Most of my friends were outside of the law school. I felt that part of the reason was discrimination, but I didn't really care.

CHALL: Discrimination . . .

SINGER: The other law students felt that having women as students was silly.

CHALL: Oh, I see. So there really was a certain discrimination against women.

SINGER: Oh yes, yes.

CHALL: On the part of the professors as well as with peers?

SINGER: Well, to some extent, but it was not as overt as with the other students, who preferred treating us as women rather than as colleagues.

- CHALL: Were you ever discouraged as a woman during your undergraduate years when they knew that you were heading in that direction? Were you ever discouraged by professors about your going into law? Did they try to steer you in a different direction?
- SINGER: I don't recall that that occurred. The university is so large and was at that time. There were I think 20,000 undergraduates. And the people with whom one became friendly were frequently not classmates. They were people that you'd meet in other contexts. I was very political then.
- CHALL: You were?
- SINGER: Yes, I was at that time.
- CHALL: This was the 1930s.
- SINGER: In the thirties, yes.
- CHALL: What about your politics at that time? What were you doing and what were you thinking?
- SINGER: Well, I was thinking I wanted to be a labor lawyer. [Laughter] I felt that this was a bad system for most of the common people. I thought socialism was a much better kind of political system. All of my friends were interested in that kind of discussion and in doing what we could. We picketed and passed out leaflets and did that kind of thing.
- CHALL: The Spanish [Civil] War?
- SINGER: Yes, the Spanish War.
- CHALL: And, let's see, what else was going on at that time?
- SINGER: There were a lot of sit-ins in the auto factories.
- CHALL: Yes.

SINGER: And in general there was the same kind of turmoil, at least, at the University of Michigan as there was in the sixties at Berkeley, and I guess at Michigan, too, actually. Several people were suspended.

CHALL: From school?

SINGER: From school, yes.

CHALL: Because they were so overtly active?

SINGER: Yes.

CHALL: And then what did you do, picket against the school, too?

SINGER: Yes.

CHALL: Did you belong to any group that at that time sponsored these activities?

SINGER: It was a local political group.

CHALL: Local.

SINGER: Yes. I think it was sponsored by the Unitarian Church, as I recall.

CHALL: Did any of that come to haunt you during the postwar era?

SINGER: I think so. I had been hired--I thought--by the Defense Department to go to Germany after the end of the second war, and for reasons that never were clear to me, they said, "Oh, well, we can't hire you," or "there's something in the record." I didn't put it all together until a couple of years later when I heard that there had been an investigation and that they were reluctant to send somebody who had been a political activist in the thirties. I was sorry, but I felt dealing with the Defense Department was about the most bureaucratic experience I'd ever had. I thought it might not have worked out. It would have been interesting. I

think at that time I had never been to Europe. It seemed like an exciting thing to be involved in.

CHALL: Did you speak German?

SINGER: Yes, I had taken quite a bit of it in high school and college, and I had also taken French. So I thought that I would be able to handle the language.

CHALL: I see. And at no other time do you think your dossier--if they had a dossier on you--hurt you?

SINGER: Not in the McCarthy period, I believe.

CHALL: You weren't bothered.

SINGER: I wasn't bothered. My career just went bumping along.

CHALL: What about your attitudes toward socialism? Did that change in time, or was it . . .

SINGER: Well, it's changing all the time.

[End Tape 1, Side A]

[Begin Tape 1, Side B]

SINGER: It doesn't seem to be working during this century. I don't think that means it won't ever, but the way it's been practiced in most places, it just doesn't seem to give people the kinds of lives that I hoped it would.

CHALL: Yes, in terms of economics--the ability to give people a better life, and that's partly tied up in it.

SINGER: I think even more, it seems to deaden people's incentives. And yet, people rise up. I think it's a very interesting period we're living in right now.

CHALL: So you felt a sense of disappointment within the last couple of years that it's falling apart.

SINGER: My disappointment started with the Spanish War. I felt it was ghastly that the people on the left were having as much trouble with each other as they were with the right or Fascists. Although I retain some interest in national politics, I feel very cynical about it, and if I am active in anything, I try to limit it to local activities that I can have a hands-on connection with. In general, I haven't been active in the regular political parties during most of my lifetime.

CHALL: Is part of that because you were working for the federal government? There was a Hatch Act for so many years, of course.

SINGER: Yes, that certainly had its influence. But I think if I had felt that I wanted to be active I might have changed the place I worked.

CHALL: Well, we've got you graduated now, and you have your LL.B. And for one year, you went back to Detroit and worked in a firm, in a private practice. What kind of law were they practicing? Was this a small firm?

SINGER: Yes, it was a very small firm. There were just two lawyers. The man who was in charge of that office was the corporate counsel of the city of Detroit, so it was business law and zoning. It was only mildly interesting to me. I really concentrated on taking the bar exam and finding out the results, which takes several months. I didn't have any intention of staying in Detroit. I knew I didn't like it, and I wanted to leave.

I actually wanted to work in Washington. That was my primary interest, to be one of the happy hot dogs, not from Harvard, but Michigan, whose law school had a high reputation, too. That was when I first learned how unlikely it was for a young woman attorney to get a job. The first question I was asked when I applied was, "Do you type?" I said, "I don't think you should care if I do or don't, because that's not what I'm going to do." However, the first job I had was that kind of a job, when I went to New York.

CHALL: Let's see, that was . . .

SINGER: In 1939.

CHALL: In 1939. When you say you wanted to go to Washington, were you interested still in labor law? Would you have wanted to be in the NLRB [National Labor Relations Board]?

SINGER: Yes, I would have liked that very much, or the Department of Justice. I felt either of those would have been my first choice.

CHALL: You had to wait to apply though until you became an attorney at law.

SINGER: Well, yes.

CHALL: But that was your goal.

SINGER: That was my goal.

CHALL: But, along the way, in 1939 you became an administrative assistant to a philanthropic organization?

SINGER: Yes.

CHALL: Resettling refugees in the Dominican Republic. What was the agency? And how did you happen to get involved in that?

- SINGER: I think it was called Dominican--let's see, DORSA. Dominican Republic Resettlement Association. How did I get that? Well, I guess the way people usually get first jobs--somebody you know recommends you to somebody that they know. I guess I knew somebody in New York--I can't even remember who--who said, "I think you can get a job with that organization." It had some legal possibilities. We were dealing with the State Department in getting visas, transit visas, and we were trying to work on legislation to make it easier for the people to come into the United States.
- CHALL: Now let me get this. These refugees were being, as you say, resettled. So where were they coming from?
- SINGER: They were coming from Western Europe--France, Germany, Italy.
- CHALL: They were escaping Hitler?
- SINGER: Yes. A lot of them were coming from concentration camps.
- CHALL: Already in 1939.
- SINGER: Yes.
- CHALL: And so the State Department was attempting to, or families were getting them out of Europe at that time?
- SINGER: It was this organization which I think was an offshoot of an organization that is still in existence called HIAS [Hebrew Immigrant Aid Society] which I think is where they probably got the money to bring the refugees.
- CHALL: I thought it might have to be a Jewish organization that was sponsoring this.
- SINGER: Yes. It was. And several of the other big Jewish organizations . . .

CHALL: Joint Distribution Committee and others.

SINGER: Yes, that and American Jewish Congress. They were finally pulling themselves together to do something. I thought that was an important thing to do and also that it would involve some legal work, because I think there was somebody called a general counsel that I worked with. But there really wasn't a lot of legal work to do. It was mostly getting the thing organized and getting started. Some land was given to the organization for the purpose of bringing immigrants.

CHALL: Was it a transit point to settle them there, and then eventually they were to come into the United States? Or were they to just settle there?

SINGER: The idea was to have them settle in Santa Domingo and to have a cooperative community. I guess there still are some of the people there--not many. Most of the people who were to be helped really didn't want to go there. They hoped it would lead to something different. But I think some of them even who thought that it was going to be OK, when they got there found that they couldn't handle it either. For one thing, the climate was too hot for them; there were too many blacks; it was too isolated. They really weren't people who wanted to live on the land. They didn't have the motivation that the people in Israel had. Even though there were some similarities in the Dominican Republic, their government was a terrible dictatorship. The refugees mostly felt uncomfortable and dislocated.

I don't think the Dominicans felt resentment of the refugees coming there, because it was never going to be a big group so

there was no chance that they would take over the country the way the Arabs felt about the Jews in Israel. Anyway, the fact is that it wasn't wholly successful. It was very nice for me because I liked the climate; I liked being near the sea; I liked riding horseback; and I knew I was going to leave when I felt like it. It was a totally different relationship to the situation. I had also worked in New York City for that organization for about a year, and then I was at the colony for about a year.

CHALL: Oh, on this particular . . .

SINGER: Right on the site, yes. And that brings us up to about early 1942.

CHALL: Yes. While you were either in New York or in the Caribbean, Pearl Harbor occurred.

SINGER: Exactly.

CHALL: Where were you at that time?

SINGER: I was there [in the Caribbean]. We were watching a soccer game, and the announcement about the Pearl Harbor attack was made. That, of course, changed a lot of our expectations. Most of the transport was eliminated by that time, between then and the time I left.

CHALL: Yes, so that meant that there were no more refugees coming out of Europe.

SINGER: That's right.

CHALL: Did that stop that particular adventure?

SINGER: Yes. Also some of us felt that we might be able to do something for our own country after the war started. So I came back. At

that time I did get a job in Washington in the federal government.

CHALL: Do you think that was because the men were all leaving, and that allowed the space for women?

SINGER: I know it. [Laughter] I know it, yes. And the expansion of the government, too, as well made a difference.

CHALL: Yes, that's right.

SINGER: But the primary reason it was easier for women was the one that you suggested.

CHALL: A professional Rosie the Riveter, as it were.

SINGER: Yes. That's certainly my interpretation.

CHALL: However, you did get it, and that was a start.

SINGER: Yes. And I liked it. I liked Washington, and I liked the kind of work that I was doing. So I settled down there for several years. My husband came, and . . .

CHALL: When you say your husband came, that means that you had married in the interim?

SINGER: Married before then. Yes, we had known each other quite a long time before that.

CHALL: In college?

SINGER: Yes, in college. Then he was working as a newspaper reporter in New York City, but we felt that he could get the same kind of a job in Washington. He wanted to come there. We got married in 1943. He came to Washington the next year.

CHALL: When did you marry? While you were in New York and before you went to the Dominican Republic?

SINGER: No, it was in 1943, after I returned.

CHALL: And what was your husband's name?

SINGER: Fred Brandeis.

CHALL: Brandeis?

SINGER: Yes.

CHALL: Is he related to the Louis Brandeis family?

SINGER: Yes.

CHALL: Closely related?

SINGER: Not terribly closely, no. I mean the justice wasn't somebody I knew. I didn't know that side of the family. But Fred's family did. Of course, he [Louis] was on the Supreme Court at that time. That was the reason I never took that name professionally, the main reason. I felt that I'd rather keep my own. However everybody goes through this routine that we're going through about relationships.

CHALL: Yes, that's right. Was he, your husband, a New Yorker who went to the University of Michigan and then back to New York?

SINGER: Yes.

CHALL: So his home base was New York?

SINGER: Yes.

CHALL: Did he go to Washington D.C. as a journalist or what?

SINGER: Yes, he went to work for the Washington Post.

CHALL: So you went to the Department of Agriculture. It says 1942 on your vitae.

SINGER: Yes.

CHALL: Let's see, 1942-44. You went to work as an attorney in the general counsel's office.

SINGER: Yes, general counsel.

- CHALL: In the Department of Agriculture. All right. What did that mean? You claimed that you worked specializing in tasks for the Forest Service and small farms programs of the Farm Security Administration.
- SINGER: In most government agencies, or at least federal government agencies, when you work as a department lawyer, you're assigned to bureaus or commissions and so on. It's not quite the same in the state setup, but it's not really all that different either. At any rate, in the Department of Agriculture my clients were the Farm Security Administration and the Forest Service.
- CHALL: What was happening in those days? It was the New Deal era.
- SINGER: Yes, but during the war.
- CHALL: Still during the war, yes.
- SINGER: I'm saying that in the sense that a lot of New Deal programs were somewhat curtailed. Nevertheless, they still had the same missions and goals. Both of those agencies were run by people who had New Deal concepts and were innovative, and especially, I felt, with the Farm Security Administration that it was a very good agency.
- CHALL: What was it doing?
- SINGER: Helping poor people.
- CHALL: Yes, well, the Farm Security Administration, that part that I know anything about was settling dust bowl migrants in camps, particularly in California, because many of them were homeless.
- SINGER: They were helping people to homestead, to start over, and for tenant farmers to become landowners.

- CHALL: Yes. So were you dealing with land purchases or things of this kind? What were you dealing with, in let's say the FSA?
- SINGER: We helped people to get a land holding, and it didn't always include a separate purchase. Sometimes it was using federal land and dividing it up into small tracts and helping people to get mortgages and to get equipment and so on. So you're saying, "Was it a land transaction?" Yes, it was almost entirely that, but it was being helpful. We helped organize cooperatives and methods for people, not only in the dust bowl area, but in the South generally, to start to own their farms.
- CHALL: How was this looked upon by the people around--not the people you were helping, but maybe those who were established who might not have liked your work with migrants. I mean the Farm Security Administration at some point or other was considered pretty radical, wasn't it?
- SINGER: Yes. You know, working in Washington, you're not close to the real life situation. What we knew was what we read in the paper. We were the appeals part of the organization. People on the ground were in district offices and so on. So I don't think I knew any more than what you would read.
- CHALL: Who was the director of the Farm Security Administration while you were there?
- SINGER: I don't remember. I know that it was somebody that I respected, but I just can't remember his name.
- CHALL: We'll find it somewhere. Well, now with respect to the Forest Service, what was that all about?

- SINGER: One of the things that I remember was that the idea of clear-cutting was very definitely a direction that we weren't heading in, and the use of the land for more than growing trees in order to sell them was very important. The multi-use of the forests was being encouraged. I recall that they were very reluctant to put a lot of roads into the forests. All the things that we were enthusiastic about and in favor of, now seem to be going by the board.
- CHALL: I see. A concern for conservation?
- SINGER: Yes. Oh, that was used a lot. My impression was that there was a very good spirit among the employees, that they were proud of what they were involved with.
- CHALL: There was not only an attempt--it was being done--to plant trees in the dust bowl as a shield, a wind shield of some kind. It was a major project. Were you aware of that or involved in the project?
- SINGER: I was aware, but I wasn't particularly involved in it.
- CHALL: From the legal standpoint, what was your role with the Forest Service?
- SINGER: You know, in almost all governmental jobs, there are regulations and laws that constantly need to be interpreted and reinterpreted. And that, I think, is the way a lot of people spend their careers, including me. The service was always asking: Can we do this? or How can we do this without getting in conflict with some of the regulations that apply to the agency? So a lot of our time was spent interpreting laws, and a lot of the time was spent in reviewing documents that other people wrote in

order to be sure that they were properly stated, also being involved in writing contracts and that kind of thing, and reviewing material. I'm trying to remember if I was involved in legislation at that time, but if not, that was about the only time in my career that I wasn't. That's another big activity of governmental agencies, to both write and review proposals for new laws.

CHALL: I see. So you may not have been involved; you don't remember that at least?

SINGER: No. No, I don't think I was at that time. I think that was a separate section of the general counsel's office.

CHALL: What was your opinion, if you had any, of Secretary of Agriculture Claude Wickard at that time?

SINGER: I'm not sure that he was the secretary.

CHALL: Oh.

SINGER: He was around that period. I don't think I had any opinion about him. If I did, I don't remember what it was.

CHALL: All right. So, what would you like to say in addition on this particular period? What were you learning? How did you like Washington, D.C.?

SINGER: I loved Washington, D.C., and I liked where I worked. I felt very comfortable and interested in what I was doing. I don't think it was earthshaking, but I wasn't looking for that. It was part of the New Deal.

CHALL: And did you manage to find a place to live in wartime in Washington, D.C.?

- SINGER: Yes, not only a nice place, it was a new apartment. And my recollection is that it cost \$59 a month. It was very pleasant. And the public transportation was very good, too. I used the bus. We didn't own a car.
- CHALL: In 1944, then, you went to the Department of Interior in the solicitor's office.
- SINGER: Yes.
- CHALL: Specializing in territorial and Indian legal matters. Was that, with the Bureau of Indian Affairs?
- SINGER: I worked with the BIA but I was a part of the solicitor's staff. In fact, that was the main reason I transferred there, because it sounded exciting.
- CHALL: So you did then seek this other position?
- SINGER: Well, actually, a friend of mine who probably was the most erudite attorney ever dealing with Indian matters--his name was Felix Cohen--said he'd like me to come and work on that. He convinced me that that was a great idea.
- CHALL: Was he in the Department of Interior?
- SINGER: Yes, he was. He was one of the head legal officers.
- CHALL: Yes. I recognized the name. So you were persuaded. I understand about the Bureau of Indian Affairs; but when you say territories [in your vitae], are those the special Indian, American Indian, or are those the offsea territories?
- SINGER: Offsea territories. At that time, Hawaii was one, Alaska and Guam were others. It included several of the South Sea islands, and Puerto Rico. We did a lot of work in connection with the territories.

CHALL: This was, partly was after the war, of course.

SINGER: Yes. But even during the war, even though Hawaii was part of our defense system, there were territorial questions.

CHALL: Wasn't it during this particular time or later that somebody from Puerto Rico took a shot at President [Harry] Truman?

SINGER: Yes, that's right. I think, wasn't it in the Congress?

CHALL: Yes, I believe. I think it was right outside the . . .

SINGER: The Capitol.

CHALL: Yes. During this period of time, Harold Ickes was the secretary of the Department of the Interior.

SINGER: I certainly had an opinion about him. [Laughter] Everybody did. I really admired him, as I think that he was an unusual person and made himself felt very strongly. He was an interesting person, I thought. Many of the people he chose to be his assistants were very, very good, too, I thought.

CHALL: Was Felix Cohen one of them?

SINGER: Yes.

[End Tape 1, Side B]

[Begin Tape 2, Side A]

CHALL: We were talking about Harold Ickes and your opinion of him. When he was fired by President Truman [March 6, 1946], did others leave the department or want to? Do you recall?

SINGER: It certainly created an upheaval. I think that things like that always cause a great deal of consternation and talk and discomfort. But I don't recall that the changes were dramatic. However, people come and go in an agency constantly, including

top people, particularly at that period. It was right after the war when there was some indecision as to what the government would look like. It wasn't going to be the New Deal any more.

CHALL: No. During that period [President Franklin Delano] Roosevelt died [April 12, 1945].

SINGER: Yes.

CHALL: Truman came in. How did that affect not just the department, because Ickes was still in the department, but affect the rest of you in terms of your morale about Roosevelt or Truman as president?

SINGER: Well, the fact of the matter is that during the fourth term of the Roosevelt administration, things took on a wholly different approach than they had before. Part of that was the fact that the war was still going on, and there was a lot of concentration on that kind of activity. But when it ended, when the whole Roosevelt period ended, people were in a great state of indecision, and there was a lack of morale. I think that most people at that time felt that Truman was an interim kind of president who would just try to hang on without having his own program. It took a few years before people thought of him as a strong president or a good president. The first year or so was probably the way people would feel now if the current vice president [Dan Quayle] became president.

CHALL: I see.

SINGER: There was a lot of joking that, "He's a little haberdasher." His stature was not presidential. There was a lot of apprehension that the country would be in a stasis.

CHALL: In stasis did you say? [Laughter]

SINGER: Yes.

CHALL: You say it was a long time before people began to see him as presidential. Were there others within the administration or there in Washington who began to see his strengths at that time?

SINGER: Yes, I think people could see that he was feisty--that word is used a lot--and that he had a kind of integrity, a kind of common sense. It wasn't exciting. He didn't have think tanks. He didn't have a lot of people with innovative ideas, but the government needed the time after its long period of concentrating on something else.

CHALL: War.

SINGER: Yes, on the war. Then a lot of excitement started with the Marshall Plan.

CHALL: Yes.

SINGER: I wasn't involved personally in it, but it was a very respectable thing.

CHALL: It seemed to me at that time that liberals were opposed to him because of the Truman Doctrine--Greece. And wasn't it about that time that Winston Churchill made his big speech about the "Iron Curtain"?

SINGER: Yes.

CHALL: How did that affect you personally, because you were a liberal?

SINGER: There was a great deal of hope at that time, which I shared, that maybe the U.N. [United Nations] would be a big force in the world. It seemed to be the biggest positive result of the war.

CHALL: So there was hope.

SINGER: Yes, there was hope. To me, as I think back on it, Churchill seemed to be as old and worn out as Roosevelt had become. I think he was treated that way in his own country.

CHALL: You feel that his attitude toward the Soviet Union in the Iron Curtain speech was probably passé doctrine?

SINGER: Yes. How untrue that turned out to be. [Laughter] But, at any rate, the feeling until the Korean War started was that maybe that was the end of war.

CHALL: Yes. Julius Krug. Let's get back to the department for a moment. Julius Krug followed Harold Ickes.

SINGER: Yes, big Julius Krug.

CHALL: [Laughter] So what happened in your department?

SINGER: Well, he was considered kind of a caricature.

CHALL: Oh.

SINGER: He was a playboy, and he was so fat. I don't think he took his work very seriously. He was a wheeler-dealer type of person.

CHALL: Basically a political appointment.

SINGER: Yes. Oh yes. It was not a very happy period to be working there.

CHALL: For . . .

SINGER: For everybody.

CHALL: For you. For all people who . . .

SINGER: Yes, for the people who worked there. We felt it was an inappropriate appointment.

CHALL: I guess particularly following Harold Ickes?

SINGER: Yes, and I think a lot of people did leave during that time.

- CHALL: I see. Well, you stayed on until '47. And now I'd like to find out a little bit about your work with the Bureau of Indian Affairs. Was that one of your concentrations?
- SINGER: Yes, it was, very much so.
- CHALL: Was John Collier the head of the bureau?
- SINGER: Yes, he was. I admired him very, very much. He was a poet, and that was impressive. He also was a mystic. It was really a great experience for me to be in touch with a person who was so unusual. I don't think he was a good commissioner of Indian Affairs--not because he didn't have a lot of interest in it; he was not an administrator. Unfortunately, in that kind of job you need to be an administrator.
- CHALL: But he was there for a very long period of time. I really am not sure what his dates were, but I know he was there in '33.
- SINGER: He started in '34, I think, or '33.
- CHALL: And for how long? I don't know.
- SINGER: About until '45, '46. It was a long time. The organization didn't run smoothly. Maybe I've become so much a bureaucrat that I overemphasize the need for administration. For me, personally, it was a wonderful experience, but I don't think that it worked generally. He was a visionary but he didn't have the ability to put it into practical effect.
- CHALL: What was his vision?
- SINGER: That the Indians would have self-respect, would be allowed somehow to be able to earn enough to retain their old ways, that they would be able to teach the rest of the population the

good values that were a part of their way of life--all very nice. I don't think it happened. I don't think it can happen.

CHALL: You don't think it can happen.

SINGER: No.

CHALL: I was just last night looking through a book called The Bureau of Indian Affairs by Theodore Taylor to get some kind of background on this.¹ He was discussing the way it functioned, not from about the 1950s primarily and then beyond the time when you were there. He said that the Indians made up then about 50 percent of the personnel of the Bureau of Indian Affairs in the fifties.

SINGER: That was one of the things that John Collier encouraged. There's a law on the books that give Indians a kind of inside track to jobs.

CHALL: But he claimed that sometimes--as is claimed even today, I guess, in affirmative action--that this brought people into the bureaucracy who weren't skilled enough, over people who might have had better skills but weren't Indians. But at the same time, those who were highly skilled, highly intelligent and able, would come in and then leave. So there was a lack of continuity in the bureau.

SINGER: Indians leaving?

CHALL: Indians leaving, or maybe non-Indians leaving--coming in and going out--sometimes into private practice or working with the tribes or whatever it might have been.

1. Theodore W. Taylor, The Bureau of Indian Affairs (Westview Press: Boulder, Colorado, 1984), p. 75.

SINGER: I didn't find that to be the case. I think that generally Indians who worked for the Indian bureau are considered a little bit suspect by their people, the Indian people. I can understand that. But I don't think you can make a generalization about it. Many of the people I knew who worked for the Indian bureau and got in because of the special Indian preference were not particularly Indian in their attitudes. They didn't live any differently from the rest of us or act differently. Working in the bureau was only a job for them. The purpose was that they would feel especially sympathetic to the problems of Indians. I didn't, in the Washington office or later, feel that was the case.

When I worked with the Indian bureau here in California, I felt it was more the other way. I was inclined to go along with the Indian population, that those who were hired by the bureaucracy were less sympathetic than others. They felt: I made it and you can, too, or if you can't then it's your own fault.

CHALL: I noticed in other sources, and in this book of Taylor's, that there was a tremendous amount of overlapping of the bureaucracy in terms of education, agriculture, irrigation, et cetera. There were just all kinds of people moving into the Indian lands to educate, to do this, that, and the other thing--finance, administration--you name it. And I wondered how it could all hold together. Did they come from other parts of the Department of Interior, the Department of Agriculture? Were you all Department of Interior people?

SINGER: I think that the Indian bureau had, has--still probably--a microcosm of the whole rest of the government. The lawyers are

- SINGER: I think that the Indian bureau had, has--still probably--a microcosm of the whole rest of the government. The lawyers are partly separate. I think now there's perhaps more interchange with the attorney general's office for litigation, but in general the bureau had its own health service people, social work, farming, and so on and so on and so on. So there was a real separation of services. Some of that has changed over the years.
- CHALL: I think that's what Taylor said. It was a mini government.
- SINGER: A mini government. That's the way I feel, too. It separated the Indians from the rest of the population. It involves a word that is used a lot--let's see, wards. The Indians were wards, and that made them really second-class. It's sort of stupid. It was a very bad approach psychologically. It was a large bureaucracy in the bad sense.
- CHALL: Now the philosophy today has changed, I think. They do not allow themselves to be considered wards, and I think that the federal government's own philosophy has changed and maybe also the bureaucracy.
- SINGER: I think it was changing then. There was a movement to integrate the Indians into the general education system where possible.
- CHALL: The health system.
- SINGER: The health service system was taken out of a separate bureau, but it's still part of the federal government to a large extent, which doesn't make much sense either. An enormous amount of money is spent on doing things that don't help the Indians. I am skeptical about the amount of benefit that the Indians get from

the large amount of funds that are expended. I felt that in many cases the morale was not good.

CHALL: In the department, where you were working?

SINGER: Not as much when I was in the Washington office as when I was working here in California with the Indian bureau.

CHALL: We're still in '44-47, but at that time, what were you doing in the bureau? The same kind of work?

SINGER: Yes, I was doing the same kind of work that I described for other agencies, I think. It's very similar. The problems are submitted by field offices. The questions were: How do we handle this? What are the legal ramifications? Our work primarily was with other bureaucrats. I very rarely would meet the people about whom we had these interchanges of correspondence.

CHALL: With whom were you dealing in the department? Was it John Collier? Was it Felix Cohen? Who else?

SINGER: Yes, those people and many of their subordinates. We would frequently get inquiries from field offices, say, South Dakota, North Dakota, the Southwest. There were lots of problems from Oklahoma where a large part of the population is Indian and there are Indian agencies. But it would be funneled through the Indian bureau office in Washington. It was all paperwork.

CHALL: And the same with the offseas territories?

SINGER: Oh, yes. Very infrequently there would be a problem of such magnitude or intricacy that it was felt that it was worthwhile to leave Washington and head out to that area. That kind of thing wasn't done the way it is nowadays. Even contacts on the telephone were sparse. It was paperwork.

CHALL: But, obviously, you enjoyed it.

SINGER: Most of the time, yes. I think a part of the time I was imbued with the enthusiasm that Collier and Felix Cohen had for what we were doing. They felt that they were missionaries.

CHALL: To the Indians?

SINGER: Yes. They really thought that things were much, much better than they had ever been and were getting better. I wanted to believe that.

CHALL: Yes. In 1947, then, you left the government and went into private practice in Washington, D.C. working on Indian claims, litigation, and with many Alaskan tribes.

SINGER: Yes.

CHALL: Why did you leave the government at that point?

SINGER: Well, one of the reasons was that Felix Cohen had resigned, and he and the firm that I went to were in the process of bringing a lawsuit that would involve an enormous amount of preliminary work. I was quite familiar with the Alaskan Indian situation and it sounded like it was going to be very interesting. I was scheduled to spend quite a bit of time in southeast Alaska to help work the claims out, and that sounded interesting.

CHALL: What was the name of the firm?

SINGER: I think Curry . . .

CHALL: C-U-R-R-Y?

SINGER: Yes. And somebody else. Jim Curry was the one I worked with. It was a partnership.

CHALL: And Felix Cohen went into that firm?

SINGER: No, he was practicing law by himself at that time.

CHALL: Did he stay with Indian matters?

SINGER: Yes. Oh yes. He was very involved.

CHALL: That was his life's interest.

SINGER: Yes.

CHALL: This particular Curry firm was going to handle this particular Indian litigation?

SINGER: Yes.

CHALL: Did somebody approach you to do this, make this change? Cohen or Curry or both?

SINGER: Jim Curry did, yes.

CHALL: That's interesting.

SINGER: And I did go to Alaska shortly after that.

CHALL: How long did you stay?

SINGER: I was there about six months.

CHALL: Where, Anchorage?

SINGER: No, in southeast Alaska. I was in several towns. I think the little village that I stayed in most of the time was called Kake.

CHALL: What was the litigation all about?

SINGER: Well, the Indian tribes were allowed--I think the act had been passed a year or so prior to that--to sue the federal government in the court of claims to see if they could establish rights to the land by aboriginal possession. What we were concerned with was just about the whole of southeast Alaska, and that, you know, involved hundreds of millions of acres.

CHALL: You were working for the Indians?

SINGER: Yes. That was one of the most gratifying experiences with Indians that I ever had. They were happy to be cooperative.

They were nice people, and they were very glad that I was a woman. It was one of the times that that seemed to me to be an asset.

CHALL: And the Bureau of Indian Affairs--were you in an adversarial relationship with the bureau by this venture?

SINGER: Well, not really. It was adversarial to the federal government, and that would be the Department of Justice. It wasn't an emotional thing for them at all.

CHALL: Did the Indians get the possession of their land as they wanted to?

SINGER: Well, they got a money judgment.

CHALL: Oh, they got money.

SINGER: Yes; subsequently--I guess within the next ten years anyway--the state was established. The territory was changed into a state. In the Organic Act, the Indians were given a lot of land, not money. That really superseded the lawsuit in being dramatic and important in their lives. I wasn't involved because I came out to California. I felt that although it was a very good experience, I decided in my own mind that I didn't like being in private practice.

CHALL: That was a good way to find out.

SINGER: Yes.

CHALL: You mentioned a little while ago about the relationships that you had with the Indians in terms of being a woman, which reminds me that we haven't even talked about the fact that as you went through the various areas of the federal government after the war, when the men were coming back, whether that changed the

attitude of the federal government toward having women in the legal departments.

SINGER: If it did, I wasn't aware of it. I didn't feel that there was a resentment or feeling that we don't need you anymore, why don't you go home. Now that may be unique to my situation, but it was not discussed, especially among women, and I didn't feel that it applied to me.

CHALL: Was there any hesitation about sending you to talk to Congress or congressional staff members or other bureaus where there were just men and you were a woman? Would they have sent a man instead?

SINGER: I don't think so. I found that to be more true here, when I came to California.

CHALL: I see.

SINGER: It may have been that since I was sort of a protégé of Felix Cohen, I was not discriminated against because of my gender.

[End Tape 2, Side A]

[Begin Tape 2, Side B]

SINGER: He treated me as a colleague that people took their cue from. Also, John Collier, too, was supportive. After him, the man who became commissioner, William Brophy, also felt that sex was not an important consideration in deciding whether a person was capable or not. I don't think that I felt I was not getting my fair share of interesting assignments or that I was overlooked because of being a woman.

CHALL: Were there other women coming in, many at that time, or any?

- SINGER: There certainly were other women among my acquaintances who were lawyers for federal agencies including Interior. Not in proportion to the number of women that there are now. Like in the office I'm in now, half of the attorneys are women. So is the head of the office.
- CHALL: Well, about half of the students in the law schools are women.
- SINGER: Yes. And they are getting jobs, also.
- CHALL: Before we bring you to California, and then we'll end for today, what was going on in terms of your personal life? Were you having children?
- SINGER: No, I didn't have children. I felt sorry about that. I would have liked to, and we made some efforts with the Planned Parenthood group, but they didn't know nearly as many ways of trying to as they do now. I think ovulation was just being discovered.
- CHALL: Yes.
- SINGER: But I'm not sure that my husband would have preferred to have children, but he understood my feelings about it. I was very enthusiastic about doing it. In fact, when I was in Alaska, I fell in love with a little girl, and I wanted to adopt her, but I realized that it was for my sake, not for hers. So, it wasn't a good idea.
- CHALL: Was your husband continuing to work for the Washington Post?
- SINGER: Yes, he was. He didn't really like it, though. He was not enthusiastic about being a newspaper reporter. He wanted to be a "real" writer, he said. And, of course, being a newspaper reporter isn't that.
- [Interruption]

SINGER: At any rate, he discovered how much he liked being a school teacher. He ultimately in California . . .

CHALL: Became a teacher? When he came out here?

SINGER: Yes, and he loved it. He was a wonderful teacher. I think he was a good newspaper reporter, too. He was a very bright person but never satisfied with what he did. He always felt he should have done better.

CHALL: I see. [Laughter]

SINGER: I always said, "Oh, you do so well." I was a great audience.

CHALL: All right. Let's get you to California and leave you here at the end of this interview session.

SINGER: All right.

CHALL: You, in 1948, came out to California as the assistant regional solicitor for the Department of the Interior. Is that correct?

SINGER: No, it was . . .

CHALL: I got that wrong, too, I guess--read it wrong.

SINGER: I came out to work in the Indian bureau as their attorney.

CHALL: I see. Here [vitae] it says, 1948, assistant regional solicitor, Department of Interior, Sacramento.

SINGER: That was what I finally became. When I first arrived here and for several years after that, the various district offices of the bureaus, like the Bureau of Reclamation and the Bureau of Indian Affairs, had their own staff attorneys, different from the Washington situation.

CHALL: So tell me again what you came out to do.

SINGER: As the attorney for the Sacramento area office of the bureau.

CHALL: With the Bureau of Indian Affairs.

SINGER: With the Bureau of Indian Affairs, yes.

CHALL: You really were attached to them.

SINGER: Then I was attached to them, yes. Again, the area director called and asked me if I would come here. Most of the jobs that I had are ones where people suggested to me, "Why don't you do this?" It's nice not to have to go and be interviewed and explain why I'm such a good person. They already knew that they could work with me. He was the man who came out as the area director from Washington.

CHALL: And who was he?

SINGER: His name was Walter Woehlke. Looks German, doesn't it?

CHALL: That's all I think we need to do today.

SINGER: Yes, and here two hours have gone by.

CHALL: Well, we haven't done really two hours on tape, but I said I'd work with you two hours.

SINGER: Fine.

[End Tape 2, Side B]

[Session 2, August 7, 1991]

[Begin Tape 3, Side A]

CHALL: When we stopped last week, you had just arrived in California, 1948, with the Bureau of Indian Affairs.

SINGER: Yes. I was called the area counsel. I was a part of the Indian bureau, not of the legal office. That happened later--I think about six years later--when all the lawyers in the department were consolidated into the solicitor's office and separated from the bureaus.

CHALL: Oh, I see.

SINGER: I don't think it changed our work, particularly.

CHALL: It was just one of those reorganizations that took place from time to time? When. . . . Can you date that particular change?

SINGER: It was in 1954.

CHALL: Nineteen fifty-four. When you arrived here, you had to find a place to live and all of that. Is that when your husband decided to become a teacher rather than trying journalism here?

SINGER: No, he worked at that time for the Signal Depot, I think, in the federal agency that was part of the department of the army.

CHALL: Oh, as a writer?

SINGER: Well, it was as a technical writer. He was writing stuff about electronics.

CHALL: I see.

SINGER: Manuals.

CHALL: Yes.

SINGER: And I think there was some teaching, too, involved there, of adults.

CHALL: And what ultimately. . . . What kind of teaching was he doing eventually?

SINGER: He taught at the Davis High School. He taught French.

CHALL: Oh, is that so?

SINGER: Yes.

CHALL: So that was his career for the rest of his time?

SINGER: Yes. He enjoyed it tremendously.

CHALL: He must have been fluent in French.

SINGER: Yes. He lived in France for maybe ten years.

CHALL: Before you met him?

SINGER: Yes, before I met him.

CHALL: Now you got yourself in here into the Bureau of Indian Affairs office. Can you contrast the work in the field, how it was to be in the field, with what it was like in Washington, D.C.?

SINGER: It was very different, very different. The work here, of course, was more under the aegis of the bureau than the work I had been doing in Washington, which was strictly a legal office and, therefore, did not have a policy-making role, at least theoretically. In Washington, you are so much further away physically from what the problems are than when you're face to

face with them. It's a much more paperwork kind of job. It seemed to me that it was much less realistic than what the people in the field have to face. I had the feeling that the Washington office is like an appellate jurisdiction that reviewed and criticized and acted more in a vacuum than what occurs when you see something that's wrong, that bothers you, and you are faced with the need to change it.

I felt also that the spirit here, of the Indian bureau people particularly, was more cynical, more discouraged. The people here felt that from both sides, both from their clients'--the Indians'--viewpoints they were inadequate, because they couldn't make the important decisions, and that the people in Washington who were making the important decisions didn't understand what the problems really were like. So they felt quite discouraged. I didn't think they had a lot of enthusiasm for their work.

CHALL: Oh my. But in Washington, because you had had Collier for so many years, who was an idealist--and to what extent he understood what was going on in the field, I don't know--but his idealism probably carried through.

SINGER: It was inspirational. It was indeed. Yes, there we had the feeling a lot could be accomplished. I don't know if that was the case here in this area where Indians had been dispersed to a much larger extent than they had been in some other parts of the United States. I think it's also true of the East Coast. But the other areas where the Indian bureau functions, the Indian people they deal with are mostly on reservations. That wasn't true here. It isn't true to this day. It would be unfortunate if it

were otherwise, because I think living on reservations, generally speaking, is detrimental to the Indians.

At any rate, it was quite a discouraging thing for me and surprising to me, too, that there was this atmosphere of hopelessness, of feeling that they were unworthy by being involved in this situation.

CHALL: Is that so? And yet they were what, civil servants? And so it was their career.

SINGER: Yes. It was their career. It was very depressing.

CHALL: It must have been hard on you.

SINGER: It was very hard on me. I had understood that the purpose of our embarking on this program was to get rid of the Indian bureau role in California. Well, that didn't happen, it isn't happening, and it won't happen, I guess. I don't keep in close touch with it any more, but the impression I have is that there is still the same messing around with these programs that are supposed to be helpful to the Indians. The whole purpose of the Indian bureau should be to improve the lot of the Indians. I don't think it does that. I don't think the Indians think it does that.

CHALL: Who was in charge here?

SINGER: The person that had invited me to come out here to work with him had also come from the Washington office.

CHALL: Is that Woehlke?

SINGER: Yes, Walter Woehlke.

CHALL: Was this his first time to be out here?

SINGER: No, he had come from California, not as an employee, but he had been a journalist in San Francisco and knew John Collier.

CHALL: So he was new to this structure in the field as you were.

SINGER: This area. Yes.

CHALL: Was he discouraged, too, do you think?

SINGER: Well, he really wasn't here very long. He became ill not too long after I arrived, within the first year or so. He stayed on for another little while, but not with his full attention to the work. I felt he had a program that he wanted to carry out, which was to eliminate the Indian bureau, but he didn't carry it through.

There was one area where a lot of controversy had arisen. It was in connection with the Palm Springs Indians. He paid a great deal of attention to that and was very unsuccessful in resolving the problems, I thought. I was disturbed that the tension between the Indians and the Bureau of Indian Affairs increased a great deal because of the way he handled the situation. He tried to force decisions through, and it just didn't work. There was a lot of litigation that came out of it. It took up too much time for such a small part of the program. It involved a lot of money and valuable land, but not many people were concerned, maybe only one hundred people.

CHALL: Oh, I see.

SINGER: An awful lot of the history of the Indian bureau is unpleasant and unsuccessful.

CHALL: After he left, with whom did you work?

SINGER: A man by the name of [Jim] Stewart.

CHALL: Had he been in the field a long time?

- SINGER: Yes. He had been at the Navajo reservation, so his experience was quite different from the problems that need to be solved here, because the Navajo reservation is a big area that's occupied primarily by Indians.
- CHALL: Yes.
- SINGER: California is a place with mostly small Indian rancherias. The main goal was to integrate the people with the non-Indian population. But that isn't what the Indians want 100 percent. I think they're ambivalent. They want to, to some extent, and to some extent they don't. As with other situations, if people feel that they are entitled to some symbolic recognition of their status--like with the Japanese and the payment for relocation during the war. I think that that motivates a lot of the Indian feeling of resentment. "Our ancestors were not treated well, so you should recognize that by giving us something." There were very unfair transactions between the Indians and the conquering colonists or pioneers. But what good does it do to make that kind of a one-shot compensation? That isn't really going to solve the problems. Anyway, I stuck with it for, oh, fourteen years after I came here.
- CHALL: You stayed during those fourteen years with the bureau?
- SINGER: Yes. In 1954 my status as a lawyer changed from being a part of the bureau to being a part of the solicitor's office. Although that was mostly a matter of nomenclature, it also made it possible for me to have other contacts, so that I could say to the person in charge of the lawyers office, "We cannot go along with this proposal. Let's bring it to the attention of the secretary of

the Interior." I felt I wasn't under the control of the administrator in the Bureau of Indian Affairs.

CHALL: In the field.

SINGER: In the field, yes.

CHALL: Does that mean that in the field they were relatively autonomous?

SINGER: Relatively, yes. But as far as laws being enacted, funding for various functions and so on, no; in carrying out, administering the programs, yes.

CHALL: The solicitor, as I understand it, at that time, was that Richard Boke in 1954?

SINGER: No. Boke was a part of the Bureau of Reclamation.

CHALL: Oh, yes, that's right.

SINGER: He was a regional director here. I don't remember the name of the person who was the solicitor. It was an insignificant person, a political appointee.

CHALL: And this was in 1954. This was during the [President Dwight D.] Eisenhower administration.

SINGER: Yes. But the man who was the regional solicitor here, his name is--oh, I know him so well. It was Lee Graham.

CHALL: Does each bureau have its own solicitor?

SINGER: No.

CHALL: Boke was with the Bureau of Reclamation, and somebody else was with the Bureau of Indian Affairs?

SINGER: Yes. But those are administrative people; the legal staff was not part of their employees. They were in the solicitor's office, the lawyers' part of the agency.

- CHALL: From what I can make out during this period, there was a considerable amount of the tension and uncertainty about whether to terminate and how to terminate, whether to do it, whether not to do it. According to Theodore Taylor, the author of The Bureau of Indian Affairs . . .
- SINGER: There was.
- CHALL: He says here that, "On March 13, 1953, Assistant Secretary of the Interior Orme Lewis wrote to the Senate and House Indian Affairs subcommittees indicating that federal responsibility for administering the affairs of individual Indian tribes should be terminated as rapidly as the circumstances of each tribe will permit."¹
- SINGER: There were some individual termination bills passed, including one for California during that period. Some of the Indian groups embraced it, and a lot of work was done in helping them to achieve it. A footnote to that is that some of those groups later found they didn't like being terminated and laws were passed to bring them back into the fold.
- CHALL: Yes, right.
- SINGER: So although in California it was not a mandatory termination, the groups were encouraged to embrace it in accordance with that report that was made to Congress, that it would be better for the Indians. Many of the Indians thought they would like it. In addition there were a lot of areas called rancherias here in California, small areas for the most part, relatively speaking, not

1. Taylor, op cit., p. 23.

over a few hundred acres in size, that were completely unoccupied and had been for years. They were places that had once been occupied by Indians or had been acquired or put aside without anybody ever going there to live. They were disposed of in one way or another.

CHALL: The lands.

SINGER: Yes, the lands were disposed of. That was a relatively unimportant and easy job to do. But where the Indians were going to take over the ownership and management of their funds and land, I worked with the Indian bureau people and with the Indian groups to come up with a satisfactory arrangement. In some cases I guess it has worked out, and in some cases the Indians didn't understand what was being done. That's not hard to believe. Although I think that it might not be impossible to do well, it's pretty darn near a hopeless task to feel that you can, just by meeting with people once in a great while, get them to completely understand what's involved and what they need to do. In some cases, you can't justify the expense of doing what needs to be done by what their property is worth. It shouldn't be treated as a property problem; rather it is an emotional problem.

CHALL: That's what you were dealing with was the property.

SINGER: Yes. I don't think anybody was dealing with the other, really. At any rate, termination was only partially carried out. Even for the part that was done, some of it was unsuccessful. Eventually, some of the groups did return to a trust relationship.

CHALL: Taylor makes a point, and I think it was probably about the time you were leaving, that when the economic opportunity legislation and all that social concern came along through the government, that the Indians then felt that they could participate, because there was the opportunity to participate in their own programs-- that there would be job training and education, because there were bills for health and education and all this kind of thing which they hadn't seen before. Many of them felt that they would then have an opportunity to get into some kind of management or executive position on their reservations, at least in some tribes.

SINGER: Yes. I think that, in general, that would be more true in other areas than in California, because the reservations here are so minuscule. There are only a couple of places where there's any possibility of making a living on them. So no matter what you were trained for, you'd have to go off the reservation to make a living. You'd have to be able to cope with a non-Indian society. These people didn't really live an Indian way of life. I don't believe, no matter what wand you would wave, that you could make a separate Indian society in California, nor would it be a good idea.

CHALL: I see.

SINGER: I think that would be unattainable.

CHALL: So they feel that they're caught between two cultures and unable to move in either one?

SINGER: I think that mostly they are all moving away from the little bit of isolation that they now have and will make their way into the

white society, or the general society--it's not white that much anymore either.

CHALL: Yes, that's right. Did you know Commissioner Phileo Nash? I understand he was the commissioner, I guess, of Indian Affairs under [Secretary of Interior Stewart] Udall, from 1961 to 1966.

SINGER: Yes, I knew him. I had known him before he became commissioner. He's a very vigorous, enthusiastic person, but I don't think that he made a big change in the Indian bureau. It's an insurmountable challenge. The problems can't be resolved.

CHALL: You feel it's an insurmountable, unresolvable problem?

SINGER: Yes, I do. I get very depressed when I think about it, really depressed.

CHALL: Is that so?

SINGER: Yes. I don't know if other societies have done much better dealing with native people, but I think the United States gets a failing mark.

CHALL: And in other words, in the vernacular, they've blown it; they blew it?

SINGER: I think so. But when I say "they," I don't mean only . . .

CHALL: You mean our government . . .

SINGER: I think everybody involved. I don't think that local areas are immune from criticism either.

CHALL: You mean the local communities into which the Indians moved, many of them?

SINGER: Yes.

CHALL: Over which you had some control at some time. What were your specific tasks then? You told me at one time that you were

loaned to Nevada one week out of the month. Would that be with the bureau?

SINGER: Yes.

CHALL: Was that one of your important, your most important tasks?

SINGER: It was quite different from the California situation, because most of the Indians there didn't feel as threatened. There was more land in the reservations, and they lived on their reservations. There were only a couple of places where that wasn't the case. Generally speaking, the Indians were allowed to help make decisions about their own destinies. It was more typically an Indian bureau situation that was easier to cope with. When I came to Nevada to work, I didn't feel that what I was doing was so foolish.

CHALL: You felt that you were doing a real job.

SINGER: Something that made a little more sense.

CHALL: And did that have something to do with land, too?

SINGER: Yes, their problems were also involved with land transactions. The Indian bureau has a tendency--I suppose it's understandable--that it's more clear-cut to deal with land than with what happens to people. I think that in the Nevada office the atmosphere in general was more upbeat. Part of it was because the superintendent there was very good. His name was Sy Fryer. He was very experienced and vigorous.

[End Tape 3, Side A]

[Begin Tape 3, Side B]

CHALL: In what part of Nevada were you working?

- SINGER: Throughout the state. There was a group of Indian people near Winnemucca, and one near Elko, and one at the northwestern part of the state, Summit Lake, and one on the Walker River. There was a lot of traveling that we had to do. The headquarters was at Stewart, a few miles outside of Carson City.
- CHALL: And that was one week out of the month?
- SINGER: Yes.
- CHALL: So what would you do? Spend one week in one of the areas and then go on to another?
- SINGER: We would go to meetings in various places. Indian groups would come into Stewart. I remember it as the time of the month when I would be out more than in the office. That was fun. I liked visiting the people in their location.
- CHALL: You enjoyed it, and you also felt you were doing something useful?
- SINGER: Yes, I also felt I was doing something worthwhile. I didn't think that the people I was working with were so crushed. When the people are defeated, it creates a funny feeling in everyone.
- CHALL: Maybe that's why we have the situation with the Indians that we have.
- SINGER: I think so. I think it's part of the problem.
- CHALL: Now you said you remained with the Bureau of Indian Affairs for. . . .
- SINGER: Well, it was fourteen years in the field.
- CHALL: Fourteen. So that's 1948 to 1962. Is that when you went to the Bureau of Reclamation?

- SINGER: Yes. Well, it wasn't exactly a change in my status as a lawyer. It was just the assignment that I was given was changed. The solicitor's office attorneys were assigned to various agencies beginning in 1954. The work that I had been doing with the Indian bureau was turned over to another attorney. The regional solicitor at that time said, "You've done your time."
- CHALL: Is that so? Did you ever feel that you wanted to go back to Washington?
- SINGER: I had thought when I came to Sacramento that I would want to go back, but I liked being here. My husband did, too. I think I was more enthusiastic about it than he. We had the opportunity to live in a more expansive way. I had a house with a yard and could be outdoors instead of living in an apartment.
- CHALL: Yes, the weather wasn't so harsh here.
- SINGER: That's true. I don't mind the heat.
- CHALL: Yes, it was the cold. [Laughter]
- SINGER: I think I've mentioned that I had lived in Santa Domingo for a couple of years.
- CHALL: Oh, yes, that's right.
- SINGER: The Sacramento weather is more like that--sunny and bright.
- CHALL: Let's see, your resume discusses quite a number of things which you did. And I would assume that that was with the Bureau of Reclamation, though I'm not sure, because you said that you became thoroughly--this was '48 to '76--you "became thoroughly familiar with the programs of the Bureau of Land Management, Bureau of Reclamation, National Parks Service, Fish and Wildlife Service, and Geological Survey. Many of those matters interface

with policies and programs of each other . . ." And in the areas of law, of course, there are just tremendous activities.

SINGER: Yes.

CHALL: I was wondering if there is some way to break some of that down. When you did go to the Bureau of Reclamation, then, what were you assigned to do at that point?

SINGER: I was assigned to matters relating to water law. In that connection, the Geological Survey and the Fish and Wildlife Service programs interface with the Bureau of Reclamation issues. In connection with the Bureau of Land Management, there were usually special assignments to help out if the attorneys who were handling those matters were overwhelmed.

For instance, one time BLM had a big program to review all of the outstanding applications for public lands and patent applications for mineral lands. There must have been thousands of pending claims that had to be reviewed. They wanted help on that. I think for about six months or so, I worked on claims cases. You get pretty familiar in six months with that kind of thing. So, although that job had nothing to do with the other work that I was doing, it was an assignment that I had for that period.

The public lands have connections with Indian lands. The Bureau of Land Management sometimes will exchange lands with the Bureau of Indian Affairs to consolidate on one side or the other. There are situations where there will be timber sales that cover both Bureau of Reclamation or Indian lands and public

lands. The rules and requirements that are in effect in such situations have to be applied in dealing with them.

In most legal careers, it is likely that you deal with a variety of legal situation. However, other than when I was in the Indian bureau, I have not had any connection with criminal law. Nowadays that isn't so true. We have environmental laws where there are criminal penalties for violations, which could affect our employees. So we are aware of that area of criminal law. In working for the Indian bureau, there is practically no area of law that you don't run into.

During my long federal career, other than not being in court much, I worked on problems of all aspects of the law. That includes domestic relations, probate, corporations and contracts, and so on and so on. In the work that I did for the Bureau of Reclamation, all of the problems related to the federal water projects.

CHALL: Would that have included what you called energy supply and procurement, power lines and that sort of thing?

SINGER: Yes. In both the projects of the state and the federal government in California, a very large amount of the income comes from sale of power.

CHALL: Yes.

SINGER: The federal project particularly is geared to that feature. It is in the operational sense. The power operation theoretically is subordinate to the distribution of water. But in practice the power generation is preeminent. That's because water distribution is more flexible. So long as you get the water by a

certain time, that's OK. You can change the rate as it goes through the turbines. Anyway, the Bureau of Reclamation, other than power that it needs for water distribution, sells its power to the big utility in this area, PG&E [Pacific Gas and Electric Company]. We spent a lot of time working on that contract and its amendments.

CHALL: And wasn't there at one time considerable controversy over whether that power should be sold to a private contractor?

SINGER: Rather than to public agencies. Well, that's a running battle. The Bureau of Reclamation does have a lot of municipal customers to whom it supplies its power. It used to be that power was sold at a very much lower rate than those utilities would have had to pay to PG&E.

CHALL: Oh yes.

SINGER: That isn't as true now. It was very desirable for those cities to have a power contract with the bureau.

In that business, it is necessary to have a power reserve. It's called firm power. In other words, if the power runs out, you can't operate. You can't run a system where the electricity comes from hydro only. For example, in these five years of drought, the amount of power that is generated is much less than in a year with normal water available.

CHALL: Yes, right.

SINGER: The way they resolved that was to have the PG&E Company back up their supplies by assuring a reserve from PG&E's other sources of generation. The systems were integrated with each other. Under the terms of that agreement, the bureau could sell

a certain amount of power as firm power to its other customers. At the start, the bureau asked for customers, and when they sold the number of megawatts that the system could supply, they said, "We can't supply any more customers." Some of the cities and other public agencies saw that the PG&E Company got the unfirm power, which looked to them just like any other power. They were dissatisfied. That controversy raged for some time during the period that I was involved with the power sales. I think it's still not over.

CHALL: No, I think not. But at that time, there were real public power advocates, who were like the advocates for the 160-acre limit. They could turn things into the court, couldn't they?

SINGER: Yes. There are lawsuits still pending. The situation probably is less tense now, because the cost of bureau power is closer to what the private utilities charge. The cost should never be as high, because the bureau doesn't pay taxes and its sales are not for profit.

CHALL: Wasn't the power also, in the Bureau of Reclamation, wasn't that--how shall I put it?--part of the subsidy given to the water people? I mean, wasn't there some relationship between the cost of water and power? Not necessarily the cost of the power, but I thought it was one of the so-called . . .

SINGER: Benefits?

CHALL: . . . benefits, yes. At least it was a subsidy.

SINGER: Well, the amount charged is subsidized in the sense that the bureau is not in business to make a profit. It's also unregulated by any outside agencies like the PUC [Public Utilities

Commission]. Are you saying that you think the water customers are supposed to get the benefit of the power?

CHALL: In terms of the cost or at least the cost benefit or whatever it was that the Bureau of Reclamation would determine in setting water rates, I think, that power was . . .

SINGER: The charge for power is supposed to make up for the subsidy that is given to the water users. I think also there is a policy that water customers have a priority right to purchase power over anybody else. So that if an agricultural water district needs power to run its distribution system, then it is entitled to get power at the low rate, if it is a low rate. Some of them do. Not all of the water districts take advantage of that opportunity. I think a rather small number do. Most of the power customers are cities and federal agencies.

CHALL: I see.

SINGER: Cities and co-ops. I think there are a few industries. The state could be a customer; it has from time to time bought power from the bureau. That whole subject has been couched in controversy, more so, I think, than any aspect of water distribution except the acreage limitation problem.

CHALL: Yes, that seems to be right. Well, when you went into the Bureau of Reclamation, then what changed? You had different supervisors, a different chain of command?

SINGER: No, not really, because the legal staff was under the regional solicitor and the solicitor in Washington, but I worked with other administrative people. I dealt primarily with managers in the Bureau of Reclamation who would consult with me. In most of

these situations, as with clients generally, the lawyer isn't the initiator of projects; it's the manager who has a problem who will go to the lawyer and say, "What should I do?" or "How do I handle this?" or "What's appropriate?" We often felt that our work would have been more beneficial if we had been brought in at an earlier stage of a situation. Engineers generally don't like to consult with lawyers--I don't know. I felt that generally our relationships were satisfactory. I think I was relieved to get away from the moribund feeling that I'd had working with the Bureau of Indian Affairs people. At least the reclamation staff were more convinced they were doing a good job.

CHALL: Well, these people were still pretty gung-ho about what they were doing, weren't they?

SINGER: They were very gung-ho. Yes, they were. They felt very well liked by the people they were serving.

CHALL: Sure.

SINGER: And why not?

CHALL: They were serving them well.

SINGER: Yes, exactly.

CHALL: Then who would come, let's say, who would come to you with a problem in the bureau? Could anybody walk into your office and say, "I have a problem"?

SINGER: I think usually it would be initiated by somebody who was the head of a division or branch or it could be the regional director. If it was a problem that looked as though it was going to be pretty complicated, we might meet and discuss it. Then I would deal with the people who were actually doing the legwork.

CHALL: Can you give me an example? Let's see, who was your regional director at that time? I have Robert Pafford in 1965.

SINGER: I think it was somebody else before him.

CHALL: I don't have the name.

SINGER: I can't remember the name of the person who was regional director. I think it may have been [Pat] Dugan. There was also a director by the name of [Barney] Bellport around that time.

CHALL: When you did go in, that was during the Kennedy administration.

SINGER: Yes, in '62.

CHALL: And Stewart Udall was . . .

SINGER: Yes, secretary of the Interior.

CHALL: And [Undersecretary of the Interior] James Carr.

SINGER: He was from California. But we didn't see him very much. He didn't come out to our area very much.

CHALL: So in terms of how you worked, it would have been, the command would have been from [Floyd] Dominy to, let's say (the only one whose name I have right now is) Pafford, and then to you.

SINGER: Yes. By the way, I wasn't the only attorney on the staff in the regional solicitor's office.

CHALL: How many attorneys were there?

SINGER: Working on Bureau of Reclamation matters?

CHALL: Yes.

SINGER: I'd say a half a dozen.

CHALL: I see. That was a good-sized staff.

SINGER: Yes, it was a fairly large group of people, doing different things, but we talked with each other and sometimes interchanged. It was not rigid.

CHALL: Did you divide into some kind of area of expertise sometime?

SINGER: Yes.

CHALL: Your area was?

SINGER: Well, it was the power operations and the contract negotiations for the sale of water.

CHALL: I see. Were you the only woman on the staff?

SINGER: Yes.

CHALL: The entire field staff, except for secretaries--the professional field staff?

SINGER: Yes, I was.

CHALL: How were you treated?

SINGER: By the people in the office?

CHALL: Yes. By the other attorneys.

SINGER: It varied. There were times when I felt that there was sexual discrimination. There was a regional solicitor by the name of William Burke, who was in charge somewhere in the sixties for a few years. Although I think he felt kindly towards me, he felt I needed to be protected from the engineers or whoever. There was some work that I was assigned to do, and he said, "Oh, well, you can't do it, because it would mean your going out in the field with men." And I said, "Well, that would be OK."

[Laughter] But he had me removed from that assignment.

I would say that I was treated about the same way women in general were being treated in the workplace. There were

some unpleasant situations, sometimes going out in the field with men who would make sexual advances, although I didn't feel it was that hard to handle. In other words, I wasn't in fear. There were quite a few times when I felt that I wasn't treated completely as a man would have been in the circumstances.

Sometimes I would say to the regional director, "If you'd rather have a man handling this problem just let me know, and we'll do it, because there's plenty of work for all of us to do." They would always reply that they were satisfied. I felt that sometimes the engineers didn't think that they could explain intricate, technical things to me and so on.

CHALL: I see. [Laughter]

SINGER: I think that they wondered if their customers were comfortable dealing with a woman lawyer.

CHALL: Oh yes.

SINGER: I think that that was true, that it wasn't 100 percent comfortable for them. However, in the government you're not able to be outspoken about it, the way I think in private business you might be. You know, their customers didn't feel they could say, "We don't want to deal with Rita Singer."

CHALL: Oh, is that right? They wouldn't have said that?

SINGER: I don't think so. They might feel it, and you might be aware of it, but I don't think it was ever spoken.

CHALL: Now the clients would have been whom?

SINGER: The water districts.

CHALL: Well, those are farmers aren't they?

SINGER: Yes, they're farmers.

CHALL: Ranchers, farmers, large and small.

SINGER: Exactly.

CHALL: They were not, probably, used to having women out there in the field as professionals.

SINGER: No, not as professionals. That's right. The women that they were accustomed to meet in business were usually clerical.

[End Tape 3, Side B]

[Begin Tape 4, Side A]

SINGER: I felt the people in the PG&E Company, too, had the same feeling about dealing with me.

CHALL: Yes.

SINGER: They made it clear to me that you couldn't expect a woman to be able to understand these esoteric, difficult, technical, engineering concepts.

CHALL: And what about grasping it? You had to learn it, of course. It was out of your area of expertise. Most of it's out of our general field of expertise--even with men, I'm sure.

SINGER: Sure, yes.

CHALL: You had to learn it. Was it difficult to learn?

SINGER: Sure, it was. But I don't think it was impossible. I think that the legal service that they got was improved when they took the time and they made the effort to help me to understand the technicalities. However, the power situation, particularly, was influenced a great deal by politics. The work that was done in the field was often modified, maybe even overturned, by people

in Washington who made the final decisions on the basis of political motivation.

CHALL: Well, you got used to that probably when you got into Westlands.

SINGER: Yes.

CHALL: Maybe here, too.

SINGER: But I think with the power field it was even more evident.

CHALL: Is that so?

SINGER: Oh yes. Yes, it was shocking.

CHALL: How did that manifest itself?

SINGER: Well, the proposals that we would submit for concurrence in Washington often came back to us with an entirely different slant. The decisions that were made were not primarily beneficial for the federal government; they were beneficial to the utility.

CHALL: The private utility?

SINGER: The private utilities, yes. And we weren't surprised when that happened.

CHALL: Were you--and I know we'll be discussing this when we talk about Westlands--but were you aware of the hearings and the lobbying that was going on and with whom it was going on at the time, so that--as you say, you weren't surprised--you were aware of what was happening in Washington?

SINGER: Yes.

CHALL: How were you aware? Were you back there at hearings?

SINGER: Sometimes, but primarily through telephone conversations.

CHALL: With whom would you be in contact in Washington?

- SINGER: With people in the commissioner's office and in the solicitor's office. We often had very heated discussions about it.
- CHALL: Via phone.
- SINGER: Yes.
- CHALL: What would happen with these phone conversations? Did you make notes then about what took place?
- SINGER: Yes. There may be a record of how the decisions were made.
- CHALL: When you say that there's a record, I'm just thinking about archival records.
- SINGER: I doubt that they're still in the file. You know, the files are purged all the time, and notes often are destroyed. I remember one of the regional solicitors saying, "We'll leave tracks of what our position is versus the decision that was made." I doubt that so many years afterwards that they could be found. I don't think it makes that much difference. The fact is the Bureau of Reclamation was, and maybe still is, a very politically-oriented organization.
- CHALL: Yes.
- SINGER: I think the corps of engineers is, too. We dealt with them a lot, and it seemed to me with similar results. I cared more about the Bureau of Reclamation, but I think that they're both affected by political considerations.
- CHALL: Of course, there were congressional oversight committees that dealt with these agencies, so that we might expect that some of this would occur.
- SINGER: Those committees were often very critical of both agencies. It was something that came and went. There would be criticism,

like from the General Accounting Office. They would issue reports that the law wasn't being followed properly or that some of the agency decisions were foolish and so on. After a while, some of the same customs would creep back in. I think in a big organization there's going to be some of that, but I think there was too much politicizing.

CHALL: In the bureau?

SINGER: In the bureau.

CHALL: That's the political . . .

SINGER: Yes.

CHALL: And also, did you find it pretty rigid as an organization? I was thinking of bureaucratic rigidity.

SINGER: Well, in the same sense that I spoke a while ago about the Indian bureau, there is a big gap between the people who review projects in Washington and the people who are dealing in the field with the reality of the situation. Some rules that are impractical are promulgated. And some of them are inappropriate. In that sense, I think, there is rigidity.

CHALL: In terms of the politics--and therefore the revisions to whatever it was that you had wanted in the field here--do you think that stemmed from the Congress and then from them to the secretary, who would pass them down through the assistant secretaries and maybe the commissioners to you? Is that where it would come? If the change were going to be made and you weren't going to have your way, as it were, how would the politics come through? Would it be that, let's say, that Secretary Udall would be required to cave?

SINGER: Sometimes. Often the secretary would make a policy decision different from the laws passed by the Congress. He has to act in accordance with law, but that leaves a wide area of discretion. Congress very often says, "You may do this," or "It would be a good idea to do this." But how to do it is left for the secretary to decide.

And at all levels of the executive branch, there's input. It's not a bolt from the blue for the most part. When Congress acts, it doesn't do it in a closet. There are hearings, and they ask the departments to furnish information and background and so on. I think that the people in the field generally would have an opportunity to express their ideas, but they don't carry weight very often. They sometimes were even asked to attend a hearing. But they don't usually get to express their position directly to Congress.

CHALL: That must have had some frustration attached to it.

SINGER: Sure, but that's not unexpected.

CHALL: At what point in time. . . . We might just push, pull ourselves into Westlands, unless there's something else before Westlands.

SINGER: I was working on Westlands almost as soon as I started working on Bureau of Reclamation contracts, because at that time that 1963 contract that was going to cover the distribution of water from the San Luis Unit was being completed.

CHALL: How did they happen to turn over Westlands to you?

SINGER: It was a water contract negotiation and that was my assignment.

CHALL: I see. Did you realize what you were getting into?

- SINGER: I don't think so. No, it hadn't been called to my attention prior to that time. It was the biggest water sales contract that the bureau had ever negotiated with a water district.
- CHALL: It surely was. You knew that, I presume?
- SINGER: Yes. I realized it when I started working on it.
- CHALL: And did you feel that somebody who also knew it was maybe either throwing you a bone or throwing you to the lions?
- SINGER: No, it didn't strike me as a ploy. It was a challenge. Actually, most of the terms of the agreement had already been worked out by the time I got involved. For me it was a matter of cleaning up all of the loose ends and getting the resolutions that were needed and so on. So it wasn't so difficult to come into such a big thing at that particular stage.
- CHALL: Were you the sole attorney?
- SINGER: On that contract in our office, yes. We started working about that time on the distribution system contract--the contract that was entered into in 1965. So the two contracts overlapped. I don't recall feeling overwhelmed or in any difficulty. I'm still trying to remember the name of the man who was regional solicitor then. But at any rate, whatever his name is, I felt perfectly comfortable in going to him to discuss any of the problems that were coming up in connection with that. I remember now, his name was Frank Horne.
- CHALL: How did you start your preparation? Now this was 1963. And you say that they had already begun, but you had to learn a lot about it.

- SINGER: Yes. Sure. I read all the reports about the San Luis Unit and the files on the previous negotiations. And, of course, meeting with the people, you learn a lot. You learn a lot from them.
- CHALL: With whom were you working? Who were the principal people that you would come to ask for help in maybe understanding some of the background or what the problems were with the contract, before you got into it?
- SINGER: Well, there was a man who was the branch chief on the contract negotiations. His name was Reg Howard. I worked with him a lot and with someone whose name I have momentarily forgotten.
- CHALL: Well, I have that trouble, too.
- SINGER: Well, you're kind to say so, but people that I still see once in a while. . . . It was Lloyd Stennett. He worked with Mr. Howard. And I guess by that time Mr. Pafford was there as regional director.
- CHALL: Well, the others will come to you as we get on with your story.
- SINGER: Yes.
- CHALL: Did you need to become aware of the controversy over the 160-acre limitation at that time in 1963 when you were setting this contract?
- SINGER: Not particularly in connection with the negotiation of these contracts. That is a problem that is endemic to California--maybe throughout the Bureau of Reclamation, but particularly here. Yes, I had a lot to learn to get up to speed on that issue. It is a very big issue.
- CHALL: Because it was entwined, was it not?

- SINGER: Yes, in all of the Bureau of Reclamation sales of water--that is, except to cities; it applies to agricultural customers.
- CHALL: So I assume that you became familiar with the history, like the attempt in 1948 to remove Michael Straus and Mr. [Dick] Boke from the office.
- SINGER: I was here, but I wasn't involved in it. I was aware of it, yes.
- CHALL: Were you ultimately concerned--as you must have been, because the contracts required either one of them, with the sections 9(d) and 9(e)?
- SINGER: Both those kinds of contracts had the problem because you're probably aware that the use of the federal water or the facilities has to be in accordance with that requirement. So the 9(d) contract is the water and. . . . No, I guess 9(e) is the water contract form and 9(d) is the facility.
- CHALL: I'm thinking that 9(d) and 9(e), as I recall, were very important in 1951 because of the Pine Flat decision.¹
- SINGER: It continued to be a problem for corps of engineers projects until 1982, I think, when the reform act was passed. Then they finally said--"they" being Congress--that the acreage limitation law doesn't apply; that requirement doesn't apply to corps of engineers projects. The reason it doesn't apply to corps of engineers projects is that the water rights belong to the customers. They just use the federal facilities. That's the rationale for the exemption.
- CHALL: Yes, that was the rationale on Pine Flat, too, I think.

1. U.S. v. Tulare Lake Canal Co. and Tulare Lake Basin Water Storage District, 340 Fed. Supp. 1185 (1972).

- SINGER: Yes.
- CHALL: So when 1963 came, the Westlands water contract was already being developed.
- SINGER: Pretty much in place, yes. Then it was signed and went into effect, but not really into effect, because the facilities weren't completed yet. I think they weren't completed until around 1968.
- CHALL: Totally, yes. The canal was finished before that, but the distribution or delivery system wasn't finished until '68 or '69. So they couldn't get the water.
- SINGER: Couldn't get the water through the San Luis Unit facilities.
- CHALL: Therefore they didn't want to start paying, as I understand it.
- SINGER: Sure, sure. I don't see why they should. In the [state] Department of Water Resources contracts, there are some customers who don't want to receive the water but they pay for the right to have it. They don't have to pay the whole amount, because I think the water's sold again. But they do pay--just like for an insurance policy. Santa Barbara, for instance, has been paying for water for some time without actually receiving it.
- CHALL: Well, they contracted for it in '60.
- SINGER: Sure, but they don't have any facilities for getting it. There aren't any facilities for the coastal area.
- CHALL: During this period of time, there was a considerable amount--starting with 1962--then by 1967 there was a lot of political agitation over the 160-acre limitation.
- SINGER: There had been before that, too.

CHALL: Oh yes, in the 1940s. It's sort of like a maelstrom. What were you doing during that time, and how did it affect you?

SINGER: The acreage limitation problem took a great deal of my time and attention, and it was very, very difficult, because the people who were antagonistic to the requirements would come up with all kinds of intricate, complex schemes for evading the law.

CHALL: The land limitation.

SINGER: The intent of the law. My inclination was to try to enforce the law as it was intended. But the Bureau of Reclamation people really were so fed up with combatting these schemes, and they would be inclined to sort of squeeze into a box and to say, "Well, let's go along with it." The people in Washington--because the landowners would appeal adverse decisions that we would make--would often go along with such schemes or would make some minor changes so they would be allowed. They would be allowed to have trusts and partnerships and other schemes for keeping the management and ownership in the hands of the large landowners. It became a game whereby they would work out such schemes and get away with carrying them through.

I finally got out of it. Another attorney in our office said he thought he could handle it, and he took over reviewing those arrangements.

CHALL: And who was that?

SINGER: His name was Dick Dauber.

CHALL: But at what point did you drop aside?

SINGER: I think in the late sixties, maybe '69. Each one of those landowner schemes had to come in to be okayed, to be

approved. Once in a while if he would be out of the office, I would do it. But, in general, I did not like that work, and he said he could do it, so he did. I'm glad he did.

CHALL: You were then having to deal with the farmers like [Russell] Giffen. Who did come in to see you? Was it Mr. Giffen? Was it the Westlands Water District manager?

SINGER: It was the district manager.

CHALL: And at that point it was Mr. [Ralph] Brody.

SINGER: Was he still there at that time? He was there during the sixties.

CHALL: He was there until '77, I think.

SINGER: Was he?

CHALL: Yes.

SINGER: But not in charge. I don't think that it was Brody during the seventies.

CHALL: You don't think it was Ralph Brody?

SINGER: He was there during the sixties and early seventies, but I think before I left they got a new manager. Brody was kept on as a consultant for a couple of years.

CHALL: I was under the impression that he was there until about 1977. Mr. Butchert came in--Jerald Butchert came in as manager and then Brody was a consultant. So you think it was before that. But in your period of time, from '62-63 to '69, were you dealing primarily with Ralph Brody?

SINGER: Yes. He and Jim Ganulin, who was his assistant and still is there now as chief counsel.

CHALL: Did you also have to deal with the attorneys from the other side?

- SINGER: Yes, we did deal with quite a few of the attorneys for landowners.
- CHALL: I'm thinking of Burnham Enerson with the National Reclamation Association?
- SINGER: Yes. I think Ralph Brody did some of the district's legal work. He was a lawyer.
- CHALL: Yes, he was. I think he was counsel as well as manager.
- SINGER: Yes.
- CHALL: Do you recall any other attorneys or persons (not attorneys) with whom you dealt on the land limitation issue?
- SINGER: I dealt with several attorneys in the San Joaquin Valley and the managers of most of the districts who bought water from the federal project.
- CHALL: How about the other side--at this point, those who were trying to uphold the 160-acre limit? Paul Taylor and others. He often appeared before congressional committees.
- SINGER: His influence was not on specific cases. It was more like a general thesis that the Bureau of Reclamation wasn't doing its job of enforcing the intent of the law.
- CHALL: You were trying to do your job. In a sense, you were trying to uphold the law. I guess you were on the side of those who were trying to uphold the law.
- SINGER: Yes, but I wouldn't characterize my influence as being very great. It may have been more than Mr. Taylor's but I don't think either of us really changed what happened at that time. That's why I preferred to move on to other areas.

[End Tape 4, Side A]

[Session 3, August 13, 1991]

[Begin Tape 5, Side A]

CHALL: I thought today, we would continue our discussion of the Westlands contract as you dealt with it and worked it out, because that seems to be what the people want who have asked for the interview.

SINGER: You know, the only contract during the time that I was dealing with those matters that became a contract was the contract for the distribution system.

CHALL: I see.

SINGER: We worked for years and years and years on a combined contract to cover the water service, the distribution system, and changes in many, many aspects of it--besides getting more water, changing the price and so on--and to accommodate the merger with the Westplains district. But that never was completed during the time that I was dealing with it.

CHALL: They were operating almost year to year, weren't they?

SINGER: As if it were in existence.

- CHALL: There was a great deal said about that in here.¹ In fact, at this point it was like ten years, and then there was another lag. I don't think it ever finally was resolved until about '82--some of it, and some of it Mr. [David] Schuster says is still being resolved, or was until recently.
- SINGER: That's right. And that gives you pause to wonder why there was that long period of limbo.
- CHALL: Well, let's pause. I wonder why. You may know why. So why don't you tell me a little bit about it.
- SINGER: I'm not sure I can tell you all of the reasons. It seems to me that there was something unusual about the relationship between that district and the Bureau of Reclamation. I think that Congress shared that discomfort. It seemed to be a manipulation of the purposes of the reclamation program for the owners of the land who really should not have been beneficiaries of that program. I think that that feeling still motivates Congressman [George] Miller, for example. Most landowners--it was obvious--in the district were very rich, very capable of paying for everything that they got. They were getting something that was highly subsidized--not only from the Interior Department, which was the program we were dealing with--but from the Agriculture Department as well. They were getting subsidies--I guess they still do--for growing certain crops like cotton.
- CHALL: Yes, for cotton, mainly.

1. Special Task Force Report on San Luis Unit. Central Valley Project California, Public Law 94-46, United States Department of the Interior, Bureau of Reclamation, (Washington, D.C.: U.S. Government Printing Office, 1978).

SINGER: Yes. It didn't seem right. So that contract was scrutinized very, very carefully by the public and some members of Congress but not within the Department of the Interior. I think that was one of the failures of the agency. They said, "We're following our rules, and so we're blameless. The fact that this happens to benefit the landowners too much, well, that's OK." In fact, they found nothing to criticize.

CHALL: You mean the bureau in 1965.

SINGER: The bureau. Before that, in supporting the authorization of the San Luis Unit. There was a great deal of discussion in Congress whether it was appropriate to use the same rules in these circumstances. It was known who were going to get the benefits. The Interior Department testified, "This is a good place to have an offstream storage project. And we are going to be cooperating with the state." That was a popular approach. They acted as if they were completely unaware that rich people would get huge amounts of windfall benefits. And they continued to feel that way.

Whether or not that was true of everybody, I don't know. I'm not claiming that I was the one who made a big fuss about it, but I was aware of it, and I was uncomfortable about it. I was surprised that a project like this could come into being. It didn't seem like a good way for the government to be spending money.

CHALL: Well, that's, I guess, the other side of it. When you discussed this with, it could be Ralph Brody, or you could be reading Jerald Butchert's testimony, or you could be reading the Task

Force [Report], the dissenting views, they all said just about the same thing, didn't they?

SINGER: Yes.

CHALL: Ralph Brody said, when I interviewed him¹, that when they made the contract, that the Congress knew, and that the bureau knew, exactly where the water was going to go in '63, that there were big landholders there, that they had had the water for years and it wasn't enough. But they had been farming there for years, and the holdings had been big.

SINGER: They were farming there before there was a federal project.

CHALL: That's right.

SINGER: They were using the underground water.

CHALL: That's right.

SINGER: Yes. In other words, they didn't become farmers only when the project was developed.

CHALL: No, it was just going to enhance their ability to farm more, grow more.

SINGER: Yes, and cheaper.

CHALL: And cheaper. But he said that after they had worked out the contract that Floyd Dominy and Ed Weinberg contacted him, and said, in effect, "We should make changes to placate the Ballises and others."

SINGER: [George] Ballis was a populist in that area.

1. Ralph M. Brody, "Devising Legislation and Building Public Support for the California Water Project, 1950-1960; Brief History of the Westlands Water District," in California Water Issues, 1950-1966, Regional Oral History Office, The Bancroft Library, University of California, Berkeley, 1981, pp. 56-85.

CHALL: Yes, National Land for People.

SINGER: Yes. Maybe he is still there.

CHALL: And Paul Taylor.

SINGER: Yes.

CHALL: Because I think at about that time there was a hearing, and they had come in to testify.

SINGER: I think it was the Senator from Wisconsin, Gaylord Nelson, who was raising questions about the propriety of the project.

CHALL: Yes. Now, then he said, "OK, we agree to make the changes." Then he got a call . . .

SINGER: Now who is the "he" in this case? Brody?

CHALL: Yes.

SINGER: He said, "Yes, we'll agree."

CHALL: Then he said he got a call from [Assistant Secretary, Water and Power Development] Kenneth Holum, who raised the same point. And Brody said, "I agree," or "We agree."

SINGER: To what specifically?

CHALL: To merge the districts, to set up the operating agreement. He said the Holum Memorandum required changes before the execution of the contract. Seventy-six percent of the landowners signed a recordable contract; they added Westplains for \$7.50 an acre-foot as per the old contract--which was one of the problems.

SINGER: Yes.

CHALL: Now, then he said he strongly felt that Westlands . . .

SINGER: Had done everything that they could . . .

CHALL: It had complied with the Holum memo; the Department of the Interior and Congress had a breach of faith: they held up the

appropriations for the system; it wasn't built when planned; Westlands wouldn't get the 250,000 acre-feet agreed to; the department wanted to charge more than \$7.50; they refused to allow the same acreage limits provided in the contract. The delay has cost the district another \$150 million. He defended the Giffen sale. He told me this, but he said it on some of the memos attached to the congressional hearings. He was really quite upset about this. And the same thing, it seemed to me, was said by [Adolph] Moskowitz in this dissenting view in the San Luis Task Force Report.¹

SINGER: Brody was their attorney. From the standpoint of the district, I'm not saying very much different from what he was saying. "Breach of faith" is rather strong language. I felt during that period that the Interior Department wanted to complete the contract. There were some mavericks in Congress who sometimes could piece together enough support for their views to say, "Hold up appropriations." You know how Congress can do that. It's all this give and take--you give me and I'll give you and that kind of thing. It was really criticism by the people, not the Interior Department, that held it up. I don't feel that, if left to its own devices, the Bureau of Reclamation would have held up the contract execution.

CHALL: With the Westlands?

SINGER: With Westlands, right. I think that they acknowledged that the situation was known beforehand. The selenium problem wasn't

1. Special Task Force Report on San Luis Unit, op. cit., pp. 241-258.

realized but they knew there was a problem with the ground water and drainage.

CHALL: Yes, they did.

SINGER: They knew there was a problem.

CHALL: Even though it wasn't selenium, they thought it was something else.

SINGER: They thought it was salt, some kind of salt. But the drainage problem was there. It is an area where there is boron and other minerals that are not good for water. That's why they didn't want to keep on mining the underground. A lot was known about those problems.

The price that the Bureau of Reclamation set for the water, they thought was a reasonable price. They thought they were making a fine contract when they sold the water. They loved the idea of selling such a big hunk of water. If the two districts would be combined, they were going to sell even more. I mean, that is the function of the bureau, to sell a lot of water and to build a terrific project. That's their main . . .

CHALL: Raison d'être.

SINGER: Yes, that part is. They still feel that in fifty years or a hundred years or whatever period, it will be paid back--of course, without interest, and that's about two-thirds of the cost. They were quite satisfied with the arrangements that they had made, and they felt hurt that it was challenged. They felt betrayed that anybody would question their acumen, their good will, their ability to do something as big as this contract. This was the biggest thing that they had ever done in the bureau. This is a huge slug of

water, and they were excited about these arrangements. They felt that it was an accomplishment, not something to be criticized.

In a way their. . . . They--who is the they? It's us. I don't say that I was raising red flags, but there was chagrin among the bureau people at being criticized. It seemed amazing to me. I think I was separated from it, because I wasn't part of the bureau for one thing. Also I wasn't an engineer. I didn't find it that surprising. There were some things that surprised me too. I think the governor's coming to a meeting and making a big speech about the acreage limitation rule. It was at one of the hearings that Governor [Edmund G.] Brown [Jr.] made that speech.

CHALL: Oh yes. That was Jerry.

SINGER: Yes. I don't think his father would have. Former Governor [Edmund G.] Brown [Sr.] was very much in favor of water development.

CHALL: You were working on the contract from . . .

SINGER: I started in '62.

CHALL: And you worked until '76?

SINGER: Seventy-five. We were in constant negotiations to fix it up a little bit here, fix it up a little bit there. We'd reach an impasse, and the Westlands people, primarily [Brody] for most of that period, would go to Washington and take it up to some of his friends, including [Edward] Weinberg. I think if we ever made any inroads, it was usually overturned in Washington.

CHALL: At the upper levels.

SINGER: At the upper levels, yes.

CHALL: [Stewart] Udall; the commissioner? How far up would it get?

SINGER: As far as you could go.

CHALL: Stewart Udall.

SINGER: Yes. And sometimes to their congressional friends.

CHALL: By '76 then, did you have a contract that covered just about everything that this task force considered?

SINGER: Yes, I think so. The task force went into many other things besides the relationship of the bureau with Westlands. They were discussing and recommending what should be the relationship of the state water project and the federal water project, which is a big subject.

CHALL: Well, that was what the San Luis was anyway.

SINGER: A partnership, but it is only a part of the whole problem. It all comes back to the Delta. What should be done in the Delta is overriding in importance, because it affects not only the San Luis Unit, but the use of the water south of the delta. It also affects the outflow to the Bay and what happens to Suisun Marsh.

CHALL: Yes. And certainly one of the prime areas of dissent had to do with the Delta, actually.

SINGER: At that particular period, the person who was in charge of the regional office in Sacramento--a man by the name of Martin, Billy Martin, was such a fool. He's still around actually. He came back to Sacramento recently. Part of the problem was that there was a big personality clash between him and the director of this department, so that it was very hard for them to communicate.

CHALL: The director?

SINGER: [Ronald] Ron Robie was here.

CHALL: Oh, you mean, you're talking about the state department [of water resources].

SINGER: Yes. The man who supplanted, followed [Robert] Pafford was Martin. I can't remember just what year, but it was in the middle seventies.

CHALL: But you were still at that time working for the bureau.

SINGER: I was.

CHALL: These task force people, by the time they were working, you were already here.

SINGER: Yes, I was. They'd been appointed, I think, in '77 by an act of Congress.

CHALL: Yes. I think it was a bill of George Miller's and someone else [Congressman Bernie Sisk]. [President Jimmy] Carter, of course, was about to make some major changes in the water policies and funding.

SINGER: Yes.

CHALL: And [Cecil] Andrus was the secretary of the Interior. So I guess this was a time to take a close look to solve the Westlands issue. And money was involved for appropriation of the distribution and drainage system. So, the bill passed, and the task force was set up. As you can see, they really went through everything very, very carefully.

SINGER: They did.

CHALL: Now they had the benefit of people on the staff.

- SINGER: Yes, they did. I was just looking through the list of names, and there were a lot of people who devoted probably more than half of their time during that period to helping the task force. I think it probably was for about a year or so.
- CHALL: It was about a year. What can you say about any of these people? Guy Martin, did you know him? You must have.
- SINGER: I met him.
- CHALL: He was the chairman. Did you know anything that was going on with this committee or task force until it came out? Did anybody ask you for information about the contracts?
- SINGER: No, they didn't ask me for any help. Some of the staff were people with whom I had worked. For instance, if you look at this professional staff, there are several people there that were working on those contracts as administrative people, like James Moore, and Vernon Cooper, and John Budd, and Ed Price, and [David] DeBruyn. Those are all people who were very close to the negotiations, involved in them. Some of these people I don't know, but they might have been working on this in Washington. No, I wasn't asked.
- CHALL: You weren't consulted.
- SINGER: I don't remember any instance of it. By the way, it could have been that quite a few people who worked for the Bureau of Reclamation felt such rivalry with this department, Department of Water Resources, that when I came to work here it was like I was a traitor. In fact, that was suggested to me: "You certainly don't have any loyalty, do you?"
- CHALL: Oh.

SINGER: It was extremely unpleasant for me to have that attitude expressed. I felt that I had done as much as I could in the work I had been doing. But I was always opposed to consider "we" are on one side, and "they," being the state of California, on the other side. The attitude that the state's interests were different from ours was very wrong. I still feel that way, and I'm glad that it isn't as much in evidence as it used to be. I think it has improved quite a bit. It's not perfect yet.

But during the period that I've been working here, I've given quite a bit of consideration to whether the two projects should be completely integrated. I think that in the ideal world it would be the right thing to do. Whether it's practical is a very close question, very uncertain whether it would be economically possible for the state to undertake it. I don't think the federal government would just turn it over and say, "Do the job however you want to." I don't think it could do that. It is being discussed now by state and federal negotiators.

CHALL: Is there some move under foot now to have the state take over the operation and maintenance of it?

SINGER: It's being considered.

CHALL: You mention that today as a possibility?

SINGER: Yes, it's a possibility, but I don't expect that I will see it. It is around, but I have little expectation that it will culminate very soon.

CHALL: Well, let's get back to this task force report. As you were going through it, what struck you as something that you could recall handling? I just turned to Chapter Three on the Review of

Contracts and Repayment Obligation, on page 41, and it seemed to me that there must have been considerable amount of give and take among the participants. Sometimes it seemed to me, as I read this, the whole regulation process was sort of like a shell game. Is that the way to put it?

SINGER: Yes.

CHALL: Now you see it, now you don't. Between what the contract stated, or historically what was going on, and what was wanted. The policy or plan didn't come out the way it had been intended. They were highly critical of the whole Westlands policies in some places.

SINGER: "They" being the task force?

CHALL: Yes. I don't know whether that's staff or whether it's the task force. But what Congress allowed or thought they were allowing and what the district and the bureau did were different.

SINGER: I don't share the view that the Congress and the bureau--that the bureau wasn't following Congress's directives.

CHALL: Sometimes there weren't any directives.

SINGER: That's it.

CHALL: Where they were having to make some decisions on their own.

SINGER: The bureau was following their regular pattern, which is to sell as much water as possible, and as cheaply as possible, and have a big project. I don't think that there was an intentional subversion of congressional directives.

CHALL: I see.

SINGER: What I think. . . . I said before that this kind of situation doesn't really fit into what the reclamation law was intended to

deal with. There was no reclamation of property here. As Ralph Brody told you, they had been farming here for a long time; they had used underground water. It was just cheaper to get surface water. Well, why not? If somebody says to you, "Would you like this?" and you say yes and you get it, well, why wouldn't you take it? It's not . . .

[End Tape 5, Side A]

[Begin Tape 5, Side B]

SINGER: . . . too complicated. Perhaps a more valid criticism concerned the acreage limitation rules--the abdication of that. A hundred and sixty acres--which was the standard at that time--was not the size of most of the farms in the San Joaquin Valley.

CHALL: No.

SINGER: Ninety percent of the farms were not within that range in this area. I don't think you can grow cotton economically on that size farm. What they would do would be to divide the title among a big family or group, but they'd continue to operate it as a unit. The bureau said, "That's OK." There is some flimflammy with that approach. If you take the view that Professor Taylor did, that no matter what you call it, then they were subverting the intention of the law.

There was so much pressure to approve these schemes that I can say that, if I were in charge, I would not have stood for it. I got out of it when I saw that my criticism was not going to make any difference.

CHALL: What would you have done?

- SINGER: Well, I would have said, "You have to . . ."
- CHALL: You have to divide the land?
- SINGER: "You have to actually sell it." You'd have to monitor it very carefully, because they would try to figure out some scheme of selling it and still working it, selling it with restrictions. They were bound and determined that they were going to find some way to operate the units in a way that made it possible for them to keep the water at the cheap price.
- CHALL: Yes.
- SINGER: It was a test of strength. The Interior Department didn't want to make a big brouhaha about it. The feeling I had was that they saw it from the district's point of view.
- CHALL: But what was your contract? I mean, did the contract that you wrote permit this leasing of larger acreages?
- SINGER: The contract itself didn't cover the situation completely. It just says--I think it's the same language as they have been using for thirty or forty years--that they have to sell the excess land after ten years at a project price. The ten-year period was provided for within which they could find the means of doing it. You know, it was a transition period. It's a pretty long transition period.
- CHALL: Yes, it is.
- SINGER: But that was the policy that was set years and years ago. Not only for Westlands. The same rules applied in Westlands that applied everywhere else--not only in this region, but throughout the bureau.
- CHALL: Yes, and you're also paying back in forty or fifty years.

SINGER: Yes.

CHALL: By this time they were apparently able, might even be able to own the whole thing.

SINGER: Sure. Owning it in a sense of having paid for it doesn't mean that you own the title. They could, at that point, go back to Congress and say, "We'd like to get out from under your rules." And it's been allowed in a few places. But that has not happened very often. Congress doesn't have to agree to turning over the title. It would be a dispensation, like a private law.

CHALL: Oh, I see. Recommendations in several of these chapters really deal with repayment almost as much as land limitations. A lot of them have to do with repayment, because at this point I guess they felt that forty or fifty years was a little bit too long to have low rates, in effect. You had nothing to do with this \$7.50 charge. That had already been made before you came in?

SINGER: Yes. The idea of providing for a shorter period was the same kind of thing that I was saying in connection with the other aspects of this situation. This was a rich and a small group of people. Normally forty years is an appropriate payback period. The idea of asking poor farmers to pay for a very expensive project in less than that would be wrong. The bureau just applied its normal approach to things, said, "Forty years. That's what we always give. We give everybody forty years." And Brody said, "You should. We're just people like all your other contractors."

CHALL: Yes.

- SINGER: Of course, his other point was, "You promised it to us." He said, "We're not going to give it up once you said you were going to give it to us. It's ours."
- CHALL: They said that if the water were going to cost more--according to the press coverage--that they just wouldn't pay.
- SINGER: Of course, they would buy it so long as it's cheaper than any other way of getting water. It's a business. Actually, the state agreed not to sell water to Westlands. This is a matter of interpreting the law, too--that the state couldn't come into the federal service area. The federal government could serve water outside its service area. But it wasn't reciprocal. So unless the federal government said it was OK, the Westlands couldn't buy water from the state. The state wouldn't have much to sell anyway except in above normal water years when there's more water than anybody needs.
- CHALL: Now let's see. If we can just go down the recommendations.
- SINGER: On page 73?
- CHALL: Yes, 72, 73. See if there's anything in there that you can discuss. Did you have anything to do with the San Luis Water District contracts?
- SINGER: Yes.
- CHALL: I guess being concerned about the price for that.
- SINGER: It was in the same situation. I mean, the criticisms applying to the Westlands contract would be applicable. This whole area is homogeneous.
- CHALL: You weren't able, or did you try to raise the price while you were dealing with that?

- SINGER: No. That was something that I took as a given. The rate the bureau established for this part of the CVP project was \$7.50.
- CHALL: The task force found other aspects of the contract of concern to them. I don't truly understand about the distribution system with respect to San Luis and whether it's all within this initial ceiling of \$157 million.
- SINGER: In all of these districts, they had in place parts of a distribution system. So they would have to tie together what they already had with what the bureau was going to build for them. They, of course, would like to keep their original setup separate, as much as possible, so that they wouldn't be under the acreage limitation. But I think finally they agreed to have it all as one unit.
- It was quite a long, difficult problem. I didn't feel at the time that the issues with the other district, Panoche, and the San Luis Water District were different. Their problems were very similar to Westlands. They are much smaller, because the areas involved were small. There was the merger issue that those districts didn't have. There was some straightening out of boundary lines, but not big problems of territory.
- CHALL: What was the other district?
- SINGER: The San Luis Water District and the Panoche Water District.
- CHALL: When you gave up dealing with the recordable contracts you gave that to one of your other colleagues so that he would deal with, whom, with Brody and the Westlands people?
- SINGER: Yes.

CHALL: What was it that you then had to do for the ten years or so that you were still working on that contract?

SINGER: Well, we tried to get the contract finalized. Everybody wanted to. So we tried to work out the rest of the terms. Studies were always being prepared and analyzed, operation studies: how different yields of water affect the amount of water that's available. The amount of water to be sold was an issue.

There were a lot of details that were refined as we went along. I would say that all of those things fall into place when the negotiators feel that there's going to be a meeting of minds on the big things, like how much water the bureau would distribute to this combined area. No matter how many studies the agency prepares, at the end it comes down to a matter of wanting to reach a conclusion. I can't believe that it takes so long to work out an agreement if you want to reach an agreement. It just can't be.

I have seen it happen so many times that they'll say, "What if"--it's all a matter of assumptions--"What if we could do some this and this, and how much water then could we have available?" Then they'll take three months to make that study. Then somebody will say, "But if we did two other things, how would that affect it?" So it goes on and on for years.

CHALL: And what are they thinking about: How much water they would take from the Delta? How much water is available from across the channel?

SINGER: Yes, and how much water somebody else is going to get out of it?

CHALL: And this was in the Westlands?

SINGER: Not only Westlands. They were the ones we were dealing with in this long negotiation.

CHALL: Yes, that's right.

SINGER: There was a possibility that there would be a mid-valley canal to take water to a different part of the valley. And there's the cross-valley canal, and there was the possibility that water would come down the east side of the valley to serve some needs. Whenever anybody had a new idea, a new study would be prepared to check it out to see how the water would be divided.

CHALL: Those were based on whether you built another channel, another canal, how much rainfall there would be . . .

SINGER: Yes, another facility.

CHALL: They never had enough though.

SINGER: Well, actually the bureau has more than enough. The bureau has more water than it has customers for.

CHALL: Even now? Not in the drought.

SINGER: Not in the drought.

CHALL: Ordinarily.

SINGER: Yes, that's right.

CHALL: So you were involved in the negotiations of that kind?

SINGER: Yes.

CHALL: Because a contract would have to be signed. Is that it?

SINGER: I can't remember how many drafts of contracts were prepared. It can't be innumerable, because it was a finite number, but lots of them.

- CHALL: And would this be with Westlands, Panoche--is that how you pronounce it?
- SINGER: Yes.
- CHALL: Would each separate district . . .
- SINGER: Those other two districts did enter into the contracts for their supply. I mean their contracts were executed. Of course, so did Westlands for water service and a distribution system.
- CHALL: Let's see if I understand. You're talking about negotiating over how much water they get, not whether it went on to 160 acres or not. That was a separate matter?
- SINGER: It's part of the same contract. The excess land article was a standard article. There could have been a few word changes, but the essence of it was pretty settled. Also the cost of the water. In those two other district contracts, the water service and the distribution system contract were combined. And that was what we intended to do with Westlands, too. I don't know if it ever did come about.
- CHALL: I think 1982 or somewhere in there, I believe. That year they were thinking about putting together 9(e) and 9(d).
- SINGER: Yes. Was that after the lawsuit was settled?
- CHALL: I think so. I don't know about the lawsuit, but I think it came when I saw something in a report from Westlands management to Westlands landowners about the 1982 contract. It may have been then or it may have been later.
- SINGER: I think that was a result of litigation.
- CHALL: It may have been. And I think it was recommended in this task force that they consider it.

SINGER: Yes, I think it always seemed like a good idea. I'm not sure why. I guess just to save paper probably, to have it all in one document.

CHALL: In negotiating the contract, what were you dealing with?

SINGER: In writing the contract.

CHALL: Yes, I see. I found it hard to read. [Laughter]

SINGER: It was poorly drawn, because there was a lot of sacrosanct language.

CHALL: I think the lawyers can read it.

SINGER: I think that the problem is you can feel comfortable only with language that you've used before, that has the patina of age. Using normal English is almost an impossibility.

CHALL: I see.

SINGER: That has been one of the things that I have butted my head against.

CHALL: Trying to get it to be . . .

SINGER: Trying to get contract language to be readable.

CHALL: Well, "President [Ronald] Reagan Signs the Reclamation Bill¹ into Law."² I think I tried . . .

SINGER: That's one of the worst laws around.

CHALL: And I just don't know how the farmers have ever figured it out. Maybe it must have been because I was reading it late at night, but whatever it was it was very difficult.

SINGER: It's a terrible law.

1. Reclamation Reform Act of 1982, 96 Stat. 1263 (1982).

2. Westlands Water District Notice to Landowners, October 15, 1982.

CHALL: Are those written in such a way that you could drive a camel through them?

SINGER: I don't know. One of the criticisms about that law is that it started out with certain provisions in it, and then as Congress discussed it, particularly on the floor of the Congress, they added different ideas. It just became a hodge-podge, with contradictory provisions.

CHALL: It's very complicated. But is that the way it stands now, and how is it administered?

SINGER: That's the way it is now, a hodge-podge.

CHALL: How do they administer a contract like that?

SINGER: You mean law.

CHALL: Yes, a law.

SINGER: It took them forever to get regulations approved and to have input from the public--that's a regular procedure that's gone through. They have tried to squeeze it into some kind of format. But a lot of time and sweat has gone into making it work. For quite a while the Bureau of Reclamation people were so worried about it that they feared reopening the legislative discussion, so that they refused to cooperate in trying to change it by amending the law.

I don't know if a new law will get passed this year, but there's one in the works now, and I think they'll probably try putting the kibosh on it too. I'm not saying they shouldn't. I'm just saying that the bureau would rather stay with what's on the books now, even though it's wrong, than to have the door opened and maybe get something worse.

CHALL: Does that deal primarily with the land limitation and pricing. . . ?

SINGER: Yes. I think that something that concerns the bureau is that under what is being proposed they feel a lot of water is to go for ecological purposes, and they would not get any payment for it. They wouldn't like that.

CHALL: Oh, non-reimbursable [costs]?

SINGER: Yes. The bureau has not been enthusiastic about sharing in the responsibility for environmental uses of water.

CHALL: I see.

SINGER: If that requirement was included in the law, they feel it would be a detriment to the project.

[Long blank area in tape; technical problem with recorder]

CHALL: The fish and wildlife people and the environmentalists are now being heard, whereas a decade ago they weren't. And this is important now to the bureau and I guess to anybody dealing with water.

SINGER: I think it's a very salutary thing. The Bureau of Reclamation should have long since recognized that the environment is a valid consideration. But they didn't in my time. Whether they do it willingly now or not, they are doing more of it. I remember when the National Environmental Protection Act was passed, they were flabbergasted. They simply couldn't encompass the idea that a project that was engineeringly desirable wasn't environmentally desirable. I wouldn't say that the bureau or the agency I now work for is completely able to be objective about

those ideas. But other people come along and get their views heard, that means a lot. I'm encouraged by it.

CHALL: Well, I think my last question will be, what have you to say about this task force report?

SINGER: I haven't read it thoroughly in the past week or so, but looking over it, I think that it made some very good points that were worth doing. Some of the people who were involved continue to be involved in water development in California. I'm pleased that it was done. It didn't solve all the problems.

CHALL: Did it bring them to a head? Did it bring them into focus? Some people might have known about problems here and there but never been this well focused perhaps?

SINGER: I think that's true.

CHALL: I don't know that that does any good?

SINGER: It's a document that retains some status.

CHALL: Well, some aspects of it probably have been . . .

SINGER: Taken care of. Not only because the document was prepared. They also were litigated. Decisions have been made administratively. Congress didn't really change that much, but it was a step in the right direction.

CHALL: Do you think that this came about in large part because Carter was determined to look into this Bureau of Reclamation, and he was not too sympathetic with the major water projects in the West?

SINGER: I don't think so.

CHALL: You don't.

SINGER: No, I don't think so. It's important to us, but I don't think in the list of priorities for the president that it ranks that high.

CHALL: He did come in critical of the water projects.

SINGER: That was something that he was told to say by the Secretary of the Interior, Mr. Andrus, I'm sure. I don't think that . . .

CHALL: It was the other way around?

SINGER: No, I don't think so. About on the same level as Mr. [President George] Bush now saying that we're going to have no net loss in wetlands. It's something he says, but I don't think he feels it deeply. If the person who's in charge of the EPA [Environmental Protection Administration] has a lot of influence, it will mean something, but not otherwise.

CHALL: In other words, you think there will be a net loss of wetlands?

SINGER: Wetlands? Oh, I'm sure there will be. That's inevitable. It's probably going to be controversial in the same way most environmental principles have been. Small gains, then losses.

[End Tape 5, Side B]

[Session 4, September 13, 1991]

[Begin Tape 6, Side A]

CHALL: What I'd like to do is to start with your decision to leave the Bureau of Reclamation and Department of Interior.

SINGER: In 1975.

CHALL: Why did you decide to leave the Department of Interior and come over here?

SINGER: I didn't decide to come over here on a permanent basis. I decided I wanted to retire. At that time, the main reason I wanted to was that I was interested in spending more time at home and doing things other than working, but I wanted to continue to have some connection with legal work. I arranged to be what's called a retired annuitant. That didn't turn out very satisfactorily.

CHALL: In the same department? I mean, under the bureau.

SINGER: Yes. The same office. It was the regional solicitor's office.

CHALL: Just stay, yes.

SINGER: I wanted to only work two days a week. I was working on a special project which involved the acreage limitation regulations. We spent about a year at that. At the end of that year, I

decided I didn't want to continue. We had just about finished that project.

CHALL: Was that for the new regulations that the federal government was thinking of putting in?

SINGER: Yes. I believe that set of regulations wasn't adopted. Several years later the new law was passed. At that time they finally did come up with some regulations which are constantly being tinkered with. It was obvious to me that that project wouldn't see the light of day during the time that I was going to be involved. So I decided to discontinue working there.

Just about that time, I was asked by the Department of Water Resources to spend a few months--it wasn't anticipated that it would be much more than that--as a consultant in preparing a bill for a federal cooperative effort with the state to make the Central Valley Project more in line with the State Water Project.

CHALL: I see.

SINGER: We planned to have a number of items included, kind of a new organic act for the Central Valley Project. That sounded like something that I would have some interest in.

CHALL: Surely.

SINGER: Also I liked the people who were here at that time. I'd had some previous acquaintance with [Gerald] Jerry Meral and enjoyed working with him. So I came over and was paid as a consultant for the hours I worked. It was kind of an informal arrangement. It turned out, as it often does in this area, to continue on and on and on. The job broadened out into other

areas that were associated with the federal/state relationship. I continued as a consultant. It worked fine for me, because I had a lot of freedom to come and go as I felt inclined to.

After a few years, it was obvious that I was part of the group working on the water projects that the state was involved in. So I was asked if I would be willing to be an employee of the department, which meant taking an examination and going through some formalities. I did it with the understanding that I would be able to continue to work on a part-time basis. That is the way I'm employed now.

CHALL: And that's still about two days a week? Is that still true?

SINGER: I work half time, and I often work more than that, but it works out fine. I like it fine.

CHALL: Good. So you've been here ever since.

SINGER: I've been here since '77--let's see, thirteen years.

CHALL: And no plan to quit.

SINGER: No, I don't plan to quit.

CHALL: That's great.

SINGER: I think that it's a good idea for people to keep on working, and under these circumstances it's very pleasant.

CHALL: You said last time that when you came here there was a feeling that you were a traitor to the cause by having moved from the federal to the state. That was quite open, wasn't it?

SINGER: Yes, it was. There were several people who felt that the state project was a rival of the federal project because it had taken over some of the possible projects that the Bureau of Reclamation thought it might eventually build. I think there was

some discomfort because maybe the state would do things better than the federal government did. I think the people who operate the two projects always have been able to work together, but I think the people who plan projects exhibit competitiveness. One of the big differences is the state seemed to be able to generate revenues. That caused a feeling of embarrassment, I think. The state, of course, doesn't have the big acreage limitation issue that took up so much attention in the bureau.

I have the feeling that many of the people felt insecure, which is often a reason for being antagonistic. At any rate, I felt sorry that there was such an attitude, but not to the extent of influencing my actions.

CHALL: There's also a difference between working here and with the bureau in Sacramento because there's no field/central office difference and political difference.

SINGER: Absolutely.

CHALL: Have you felt that?

SINGER: Well, I think water is a political subject no matter what level of government is involved. There's no doubt about it.

CHALL: Yes.

SINGER: But the decision-making process in DWR is more direct, the lines of communication are shorter, and to a great extent, it seems to me that the director of this agency has more latitude than the regional director in the bureau has. I feel that for the lawyers that was a little bit less so, but I'm not sure that's correct. I felt that when I was in the federal agency that was the case. The reason that seems to be the case is that the legal office, the

solicitor's office, is considered staff to the secretary of the Interior rather than being a part of the Bureau of Reclamation.

We felt that we had a more objective viewpoint than the Bureau of Reclamation people did, because we also were representing the Fish and Wildlife Service and the Bureau of Land Management and so on. There was some validity to that position, but when we were working with the Bureau of Reclamation, whatever legal restrictions applied to them necessarily reflected in what we could recommend.

CHALL: I see.

SINGER: At any rate, one of the difficulties at the time that I came here--and that added to the feeling that I was discussing a moment ago about the rivalry between the two projects--is that the person who was the director of this agency, Ron Robie, and the person who was the regional director of the Bureau of Reclamation, a man by the name of Billy Martin, were incompatible with each other. There was a lot of criticism by each of these directors about the other, the way the other operated and so on. It was unfortunate. I think that our present director, the man who has been in that job for the last eight years . . .

CHALL: Mr. [David] Kennedy?

SINGER: Yes, Kennedy, is much less inclined to take that kind of a position even if he at times has felt that actions by the regional director are not what he would do. At any rate, for several years, between 1977 and '82, there was more dissension than cooperation between the agencies.

- CHALL: Is that, do you think, because Ron Robie had a real agenda that he was trying to promote at the time in terms of cooperation between the Central Valley Authority and the state with respect to the Peripheral Canal and other issues of that kind where it was important that there be cooperation?
- SINGER: Part of it was just his . . .
- CHALL: Just the personality, do you think?
- SINGER: . . . his personality. I think that many of the ideas that he was in favor of are the same that we're promoting now, maybe not as vigorously. But I think that the Bureau of Reclamation now hasn't got as much of an agenda.
- CHALL: Not anymore.
- SINGER: Not anymore. It has lost a lot of the respect that it had years ago.
- CHALL: In terms of the difficulties that you had in your work over at the bureau with respect to the Westlands Water District, the landowners, the growers, has that kind of influence been this pervasive here with the contractors at the state level as it was at the federal level? When you were with the bureau you had struggles with the Westlands growers. Here, is it the same with the contractors?
- SINGER: I don't think so. I don't deal with the water contractors very much on items that I'm working on. I'm aware of them and I'm acquainted with them, but there aren't that kind of contacts. The main problems that the contractors for the state have relate to financing. They pay for the project, by and large, so they're very careful about going along with programs that will increase

their costs. On the other hand, if the project is to get more water or better quality water, they're open to being persuaded.

There are many things that we do, because the law requires it, that involve an expenditure of funds. It's always explained to them, and they're very interested in knowing what their role is, which is a secondary role. The department really has to make the decisions, but it's done in a way that is very businesslike.

Over the years, during the last thirty years, arrangements have been worked out so that there's a formula for dealing with the water contractors. They have a committee that works with the department. I feel that they're consulted and brought in and given all the information, so that the relationship is an example of a good working arrangement.

The whole acreage limitation problem just doesn't have any relevance. Our customers and the bureau customers are all California water users so that they belong to the same organizations, and we're in contact with them, but I think that except for unusual situations once in a while where somebody persuades the governor to take a position on a federal bill, we are not directly connected with those acreage limitation issues. It avoids frustration.

CHALL: An issue that will not die. Well, as long as we're talking about cooperation, why don't we talk a bit about this coordinated operation. It's called the Coordinated . . .

SINGER: Operating Agreement.¹

CHALL: . . . Operating Agreement. This is the copy you gave me when I was here last month. I take it it was probably started during the [Governor George] Deukmejian administration.

SINGER: It began long before that. I was involved in drafting such an agreement back in the sixties.

CHALL: Oh yes?

SINGER: We completed negotiations between the bureau and DWR, and it was submitted to the secretary for signature. At that time an environmental organization--the Environmental Defense Fund--pointed out to the secretary that the Environmental Protection Act had been passed requiring an EIS [environmental impact statement] to be prepared. It was their view that an assessment under that act should be prepared before the secretary entered into the agreement.

Our office was asked, "Is that correct?" I said I didn't really know for sure, but it wouldn't be a bad idea to have one. The agreement would affect the environment--I thought probably benefit it. That was the idea, that everybody would benefit by having the two projects work more closely together. That included improving the Delta. Anyway, since the issue had been raised, I would not be adverse to having such a report prepared. The organization had filed a lawsuit to require the preparation of a report or assessment.

1. "Agreement Between the United States of America and the State of California for Coordinated Operation of the Central Valley Project and the State Water Project" is the full title.

CHALL: The organization?

SINGER: The environmental organization--EDF. So it was decided that we would tell the court we would prepare an EIS. So the lawsuit was dismissed. They said, "Sure, we believe you; you'll do it," without setting any time limits on when the report should be finished.

Each year for a long time the two agencies--the Department of Water Resources and the Bureau of Reclamation--would enter into an annual letter agreement saying, "We will continue to comply with the draft of the agreement, as if it were in existence." So that went on and on and on. Nobody really felt pushed to do much, so that the decade of the seventies just passed by with a new letter agreement every year. All it said was the agencies would keep on complying with the terms of the agreement.

In the meantime, in 1978, the state Water Resources Control Board issued an order setting up requirements for water quality in the Delta. The Bureau of Reclamation had for years maintained that it was not required to comply with those orders; they did comply because they liked being cooperative--meaning that if they didn't like the terms of it they would say, "Now we don't feel that we're going to comply anymore." This meant, in turn, that in order to keep the Delta water from getting too salty, the state would have to do more than it felt to be its share.

CHALL: Release more water.

SINGER: Yes, release more water from its reservoir and not take as much water out of the Delta for export to southern California.

CHALL: Yes.

SINGER: So there was a new impetus to get this agreement worked out. At the same time the Supreme Court came down with a decision--California v. United States--saying, "You're wrong, Bureau of Reclamation. You do have to comply with state regulation unless Congress has said that you must do certain things that would be in conflict."

CHALL: That's not the Rancanelli decision, though; it's a different one?

SINGER: No. It was a decision in connection with the New Melones project.

CHALL: I just wanted to get that straight. All right.

SINGER: So with those two things in the background, the need to go over the coordinated operating arrangements became more important. Finally they said, "Since we have all this experience now, we'll change some of the things that were in the original agreement." They made a number of technical changes.

CHALL: I see.

SINGER: But on the whole, the idea of this is to be sure that the two agencies contribute a fair share to keeping the Delta in good condition. That's the main purpose of the agreement. It has other important features. For instance, it permits the agencies to use each others' facilities under certain circumstances. There's no money passed between them. There's a way of keeping track in case one agency uses the other agency's facilities to such an

extent that they're behind. By the way, it also involves the use of the San Luis facilities, too.

CHALL: I guess the genesis of a lot of that is the San Luis project.

SINGER: Well, that was the first big cooperative project.

CHALL: That's why we have it starting with 1960, I guess.

SINGER: Yes.

CHALL: So this agreement--it's called "Agreement Between the United States of America and the State of California for Coordinated Operation of the Central Valley Project and the State Water Project" [1986]--is the one that you worked on?

SINGER: I worked on it. By the way, another thing that it covered was that we ratify it in a bill from Congress. The bureau felt--I think incorrectly--but they thought they needed to have Congress go along with it. Congress actually approved the format of this very agreement.

CHALL: I have two articles that I've had in my files for a long time, and I think they pertain to this. [Shows Singer the Hayward Daily Review newspaper clippings] This is in '85; this is in '86, when I guess it was finally agreed upon. And that's related to this particular agreement--is that correct?

SINGER: Yes, it is. [reading] Well this, I think, is correct that it's a big first step but it doesn't solve all the problems. And it's symbolic also, because up until this point, we'd been operating under a coordinated operating annual agreement. That's not a good way to operate over the long run. It's just like a lot of the problems with the budget. It's not really good for planning to have a year-to-year kind of arrangement; but in effect, the situation has

always been pretty much that way. "Twenty-six years of negotiating."

CHALL: Yes. [Laughter]

SINGER: You sometimes wonder what in the world you can talk about for that long.

CHALL: Were you in on a good part of it all these twenty-six years?

SINGER: Well, I was involved since the middle of the sixties, so . . .

CHALL: Yes, I guess you were.

[End Tape 6, Side A]

[Begin Tape 6, Side B]

CHALL: Well, I think what you were saying earlier was the fact that if you really want to come up with solutions you can get it done. I noticed, when I was reading this, that there's a lot of engineering science in there: water flow, so much water per minute, and things of this kind. How exact is that kind of science?

SINGER: That's the thing that I was going to come to, that those studies are dependent a great deal on what assumptions are made to start with. If you buy into those, you can come out with different results. That's what a lot of the time is spent doing, playing around with changing assumptions, so that it's not at all certain that the results that were reached and the divisions that were made are fair. It's probably the best they can do. The agreement can be changed by amendment. I think there's a provision for making changes. On the whole, it works. The water board which regulates the two projects doesn't seem to be

able to do much better. It makes its own studies, but they come out with fairly similar results--I don't think they're big, significant differences.

CHALL: That's the State Water Resources Control Board?

SINGER: Yes.

CHALL: How is it monitored to be sure that the figures are reliable, I mean that the assumptions are valid?

SINGER: Well, the agencies monitor themselves. Once in a while they make mistakes. When there's a big shift in tidal flows and the rains and so on, we sometimes find that we've missed the requirements in the standards.

CHALL: These are based on normal rainfall anyway, aren't they, as a rule?

SINGER: Yes.

CHALL: With whom were you working when you were doing this at the state level?

SINGER: Well, we were working with the planning people, the people who are in the Division of Planning.

CHALL: That would have been Gerald Meral during the Brown administration? The last part of it was done during the Deukmejian administration, wasn't it?

SINGER: Yes.

CHALL: Was there any great difference between the Jerry Brown and the Deukmejian administrations with respect to what you were doing--your work here in the Office of Counsel?

SINGER: Well, I had more significant work to do in that period when Robie and Jerry Meral were here.

- CHALL: But what about when this agreement was being worked out? That was during the Deukmejian administration.
- SINGER: It was during both.
- CHALL: Did the people that you worked with, did they accord you the same respect?
- SINGER: Pretty much, yes. Pretty much. I don't feel that I'm one of the major policy-makers or anything of that sort.
- CHALL: You said that you had gone to work in the office of the chief counsel in 1977. Who was that at the time?
- SINGER: His name was Towner, Pat Towner.
- CHALL: And who was it during the Deukmejian administration?
- SINGER: Bob James.
- CHALL: So that makes a change in the policies at the top.
- SINGER: Yes.
- CHALL: Have you had anything to do with those last three, four years with respect to the State Water Resources Control Board here?
- SINGER: Very little. We have some attorneys who are involved in the review of the state and federal permits, but I haven't--just very tangentially.
- CHALL: You said that you had been working, however, with respect to Suisun Bay.
- SINGER: Suisun Marsh.
- CHALL: Suisun Marsh, excuse me. And did that have to do with these 1987 to 1990 hearings?
- SINGER: Yes, it did have to do with the decision that the board had made on the requirements to have the Suisun Marsh remain in its brackish state. Both the federal government and the state

projects were affecting the area. Those two agencies-- Department of Water Resources and Bureau of Reclamation--and the fish and game department, and the local agency, which is the Suisun Resources Conservation District, were negotiating to provide facilities instead of water. The idea was that in order to keep the water quality, we hoped it could be done by putting in facilities rather than letting water releases down from the reservoirs.

The facilities were going to be tailored to this area, but we weren't sure whether they would work. We didn't want to build all of them if they all weren't needed, because it involved over \$100 million. So we worked out an agreement between the agencies to have the program put into effect and then have the agreement ratified by the Water Resources Control Board, because the board had required that water be released. This was a way of avoiding what was considered a wasteful use of water.

CHALL: I see.

SINGER: So from an economics standpoint, the agreement was going to cost a lot, but not as much as it would to have the water released year after year. Those negotiations were also long, drawn out, and difficult, but we finally did come up with an agreement. It was presented to the board. The reason it got finished when it did, I think, was that we wanted to combine the authorization for the Bureau of Reclamation to enter into this agreement with the other authorization, the authorization for the Coordinated Operating Agreement. Those two authorizations were put in the statute that passed in 1987.

- CHALL: What you were telling me, I think, was also an integral part of S.B. 200,¹ wasn't it--the Peripheral Canal bill? It had something to do with special facilities to keep the marsh brackish but to retain enough water so that it could be used in the Delta.
- SINGER: Yes, but we included in S.B. 200 a lot of items that we felt we already had authority to do. But since this was a whole program that would cost a lot of money, it was a good idea to have the legislature's imprimatur on projects that we felt we already could do.
- CHALL: I see.
- SINGER: So when that law fell by the wayside, because of the referendum² results, we said, "Well, that's OK. We can go ahead and do the Suisun Marsh project anyway." But the federal government said it couldn't, so we needed the federal bill.
- CHALL: Has anything been done?
- SINGER: Oh yes. We built one facility that costs maybe \$40 million. It is called the Montezuma Slough Control Structure.
- CHALL: I see.
- SINGER: Yes, that's a large facility. And it's apparently working very well, but it's not doing the complete job, so we're going on to the next phase, and I think additional facilities will be constructed. Actually, several initial facilities had been built. The federal government had obtained legislation back in the late seventies for the initial facilities. They feel that they could not do any of this,

1. S.B. 200, 1979-1980 Reg. Sess., Cal. Stat., ch. 632 (1980).

2. Proposition 9 (June 1982)

spend this kind of money, without authorization. It's not a customary kind of project, because it's off there on the side, to help doing something that's like a mitigation measure.

At any rate, it's a very expensive way of solving a problem without using an "excessive" amount of water. I put "excessive" in quotes because the state would like to use the water in another way.

CHALL: Yes, you'd like it to go down into the aqueducts.

SINGER: Sure.

CHALL: Is that something that you still work on, or is that finished?

SINGER: The main work for the legal office is completed. I, monthly, still attend a technical committee meeting that discusses how the marsh is faring and what else needs to be done. It's a group from various agencies, both federal and state, that bumbles along. [Laughter]

CHALL: There has been over the years a considerable amount of concern by the water contractors about their legal right to the 4.2 million acre-feet of water for which they contracted in 1960.

SINGER: Yes, instead of the 2 million they are getting.

CHALL: Is that still a hot issue in the legal department?

SINGER: Sure. Well, no, it isn't exactly legal.

CHALL: It's political.

SINGER: Political. We don't feel it's a legal issue that needs to be addressed as such. Well, I don't think we felt that it was a real legal problem for the department. It's sort of moral, but primarily a political issue. I don't think anybody seriously has

the idea that there's a breach of contract for not providing the larger amount of water.

CHALL: And they're not likely to sue the state?

SINGER: I doubt it. But you can always sue.

CHALL: Yes, that's right.

SINGER: But sometimes you can't win.

CHALL: You can't always get the water anyway. So they're trying it in different ways. There are people who feel that with water marketing, transfers, and other ways they might be able to get along with the amount of water that we have now.

SINGER: I don't think that ultimately they can. But I don't think even 4 million acre-feet would probably be enough for what seems to be the kind of population we're heading for. But I agree that for the time being there is a much more realistic way of working out, satisfying the needs of consumers by changing the pattern of how the water that's available can be used. I think quite satisfactory results were achieved during the drought. For a person who got hurt, that sounds casual, but an awful lot of shifting around was done, and conservation was accomplished, so that considering that we have had such a shortage of water, it is working out pretty equitably.

CHALL: The State Water Control Board hearings, which were supposed to be finished in 1990--I don't think they have been--part of that final decision was going to be related to changing water rights laws. Do you have anything to do with the water rights?

SINGER: Not really. I think that the attempt that was made back at the end of the seventies to have the commission on recommending

changes in the water rights law, that report still stands as a way to, the direction to go. But I don't think that that's happening.

CHALL: I see.

SINGER: Legislatively, I feel that in general this is a subject about which there's been a lot of hoopla but really very, very small changes have been made over the last fifteen years.

I think S.B. 200--the fate of that really put off a lot of the enthusiasm for going through legislation. Attempts have been started but fizzled.

CHALL: Yes, they were during the Deukmejian administration, too.

SINGER: I don't expect anything soon, anything big, on the scope that that was intended.

CHALL: I understand you had something to do with the drafting of S.B. 346 and then S.B. 200.

SINGER: Yes.

CHALL: Can you tell me about that? Those were the two bills that were the so-called Peripheral Canal bills. [Senator] Ruben Ayala, I guess those were his bills, as I understand it.

SINGER: Yes, they were. He still feels that he's a big voice in the water picture.

CHALL: The governor wanted it, and I understand that it was hammered out in the governor's office, according to Ron Robie.¹ Can you tell me what you were doing with respect to those bills?

1. Ronald B. Robie, "The California State Department of Water Resources, 1975-1983." Regional Oral History Office, University of California, Berkeley, 1989, pp. 70-82.

SINGER: Well, I was one of the people who worked on the language and on preparing the material that was finally put into the bill. It covered a lot of ground. It was an attempt to be, I would say, an organic act for the State Water Project with the idea that the federal government would have a similar bill go through Congress for the Central Valley Project.

CHALL: It didn't, as I understand.

SINGER: No. The federal bill had less push behind it. This had quite a bit. After all, it did pass the legislature.

CHALL: Yes, it did. And the governor did . . .

SINGER: Did sign it. There was a lot of opposition to the program. It confirmed to me that programs that have such a close division between those in favor and those opposed have a pretty rocky road. I was surprised that it was defeated by the voters. I think that partly that could be due to our not having enough experience in pushing the items in favor of the program. Whether or not that's the main reason it failed, I don't think anybody can be sure. You know that water allocation is a very complicated subject that the electorate can only have the dimmest perception of. It's not the kind of thing that can be put to an intelligent vote.

That sounds undemocratic. Maybe it's because I'm close to it that I feel only people with a lot of knowledge can make a sound evaluation of the situation. I really am not sure. I believe in my own mind that a lot of initiatives, and this is in the same class as that, are decided on the most superficial appraisal by the people who go into the voting booth.

CHALL: The opposition to this came from a lot of people, many of them environmentalists, but then there were some professors and others who felt that, as I recall, it was just going to be too much, too expensive, too big, that the water wasn't really needed, enough could be made available in other ways.

SINGER: I don't think the academic community was . . .

CHALL: Involved?

SINGER: Well, yes, individuals were involved, but I don't think that they . . .

CHALL: Yes, individuals. Not as a group.

SINGER: Yes, they didn't vote as a group. Neither did the environmentalists, but the environmental people who were opposed to it were primarily people who felt that it wasn't protective enough for the Delta. I think that's where the basic issue was. I don't think it was the cost, because it was expected that in order to do this job, you needed a lot of money. But I didn't feel that that was the big problem.

The biggest problem, as I saw it, was that there wasn't a feeling of enough security in keeping the water in the northern part of the state and in the Delta so that those areas would remain viable. Who knows, that may be so. I thought the protections were there, but laws are made by people, and if people change their minds or different people are in charge, they can change the law.

CHALL: Can you give me a little feeling about what it was like to be drafting the bill? Was the senate bill drafted and then you all came in and redrafted it, or what?

SINGER: No, we drafted it.

CHALL: You drafted this particular one I have here?

SINGER: Well, we drafted all the drafts, and then we worked with the senate. You know, these people who were named as co-authors, if there was anything that they felt very strongly about, we'd try to incorporate it. But it was really a Department of Water Resources bill.

CHALL: Is that because the preceding bill, 365, had failed and you wanted to make sure that this one sailed? Did you have anything to do with 365? That was two years before. It didn't get through the senate the second time.

SINGER: No, I think that was before I came here. I think that we wanted to draft this because we felt we knew what should go into it. It was to put the Department of Water Resources in charge of the whole picture. We wanted to be sure the picture looked like what we wanted it to.

CHALL: "We" meaning Ron Robie and . . .

SINGER: And his staff.

CHALL: And were you one of the principal attorneys on it, on the drafting?

SINGER: I was one of them. There were two or three others and I. No, I wouldn't say I was principal.

CHALL: Did you enjoy it?

SINGER: Sure, it was fun. Yes, I think that it seemed as if we were doing a good thing. When I came over here I enjoyed the amount of enthusiasm there was in working together. We felt we were

doing exciting things, including this, and that we would make improvements. Yes, it seemed like a lot of fun.

CHALL: Robie also, I think, hammered out administratively another way of paying for the State Water Project a power contract. Did you work on that at all?

SINGER: No, I didn't. But I was aware of it.

CHALL: I knew you had had some experience with PG&E . . .

SINGER: Yes, I had.

CHALL: . . . at the bureau, so I thought maybe you had been asked to do this.

SINGER: No, I wasn't involved in that. I've been involved in some of the negotiations relating to alternative power sources.

[End Tape 6, Side B]

[Begin Tape 7, Side A]

CHALL: You're saying that you've been involved in some of the alternatives.

SINGER: Yes, alternatives to hydro and thermal power. In other words, in geothermal and wind energy generation.

CHALL: But you think there's enough in just what's available from the basis of normal sources?

SINGER: Yes, I think that there is not a serious energy shortage in California, or for our project, if there is a very serious effort made for conservation, as there is with water. I think that the utilities and the state government as well are very much aware of the need to conserve energy, which means, of course, that you need less.

CHALL: Some of the growers, if they are pumping underground a lot, need apparently quite a bit of electricity.

SINGER: Oh yes.

CHALL: I guess that's available to them from their own sources or wherever they come from?

SINGER: Yes, they purchase it, not from the state. We are not a distributor, a utility in that sense. All of our energy goes either to our project or is sold to other utilities.

CHALL: Now let's talk a bit about the Tahoe Regional Planning Agency. You said that you represented the secretary of Resources?

SINGER: Yes, I did.

CHALL: Which secretary was that?

SINGER: Mr. Johnson.

CHALL: Huey Johnson?

SINGER: Yes, that was in the early eighties.

CHALL: Yes, and he was part of the Jerry Brown administration, wasn't he?

SINGER: Yes, he was. He had an ex-officio position on that commission.

CHALL: Was this the California commission?

SINGER: No. The bi-state.

CHALL: Oh, this was the Bi-State Commission. OK, I wanted to get that clear.

SINGER: He also was represented on the state agency, but I wasn't involved in that.

CHALL: What was that experience like?

SINGER: Unpleasant. [Laughter]

CHALL: How long did you serve?

- SINGER: About two years, and I resigned from it.
- CHALL: Oh, you did.
- SINGER: Yes. I was dissatisfied to represent an official with whom I had so little contact and who didn't really make clear to me what he wanted to have accomplished on the commission. In addition, several of the other commission members were very antagonistic to the state administration, i.e. Brown, Johnson, et cetera--and I felt with some justification. They were dissatisfied that the state was not contributing the funding that they were obligated to do.
- CHALL: Is that the time that Jerry Brown said that he was not going to contribute the funding because the commission was going nowhere, the agency was getting nowhere?
- SINGER: That's right.
- CHALL: So that didn't make it go anywhere, either.
- SINGER: Yes, it was really very unpleasant, and I felt that I was a pawn in that arrangement. I had nothing to do with the funding and had no influence one way or the other. So although it was an interesting area--I think that the need to regulate development on both sides of the lake is extremely important--I didn't think it was being well done. I'm not clear how it's been going recently, but I guess downhill.
- CHALL: Now at that time the Bi-State Planning Agency was really stuck because of the way the voting was allowed to develop. I mean you had to have a majority on both sides who agreed on anything, and if they didn't agree, then apparently after a certain number of days the development could go through anyway.

- SINGER: It seemed to me that other than the widening of Highway 50, everything else eventually got built. I felt very discouraged with the operations of the agency and the commission. The commission was as development-minded as any commission that would be involved with planning.
- CHALL: On both sides? Or the California side?
- SINGER: Well, on the California side it seemed to me they were worse than the Nevada people. It depends on the individual, but I had very little respect for the way the commission operated.
- CHALL: Were you aware of the California Tahoe Regional Planning Agency? There were two of them. There was the bi-state, and then there was the separate California one.
- SINGER: The California one almost went out of existence during the time that I was involved. I think it may be completely out of existence now.
- CHALL: I haven't checked on it recently either.
- SINGER: I think that some law went into effect that killed it. But it's a situation that many urban areas experience. There's a big push to have development go forward, and those people often have a lot of money to put into getting their way, and they get it eventually.
- CHALL: So were you able to report to Mr. Johnson what you did or what was going on in that commission?
- SINGER: I very rarely saw him. I sometimes could get to speak to one of his deputies and express my annoyance and disturbance and disillusion and all of those negative things, but I didn't feel that it made any difference. There was one other member of the

commission during the period that I was there--a man who was appointed from the California delegation--by the name of Dwight Steele.

CHALL: Oh yes. Well, he would have been on your side.

SINGER: I was on his side. He's a much more knowledgeable person than I was. He had long been a member of the . . .

CHALL: Sierra Club, I think.

SINGER: Sierra Club, but also a particular Tahoe organization.

CHALL: The League to Save Lake Tahoe.

SINGER: League to Save Lake Tahoe. And he has a place up there. I mean, he knows a lot about it, and I respected his leadership. I think about the same time that I resigned, he did. He later was reappointed, maybe a year or two afterwards. But we both felt that there just wasn't any way of being effective. Resigning expressed our discouragement.

CHALL: Do you think Mr. Johnson then appointed somebody else in your place because somebody else had to be.

SINGER: I think he left it vacant for a while.

CHALL: He probably was as discouraged as you were.

SINGER: I think he had his mind on some other areas at the time. He's not what I would call a hot-shot administrator. If one thing interested him, he might just leave something else up in the air for who knows how long.

CHALL: I see.

SINGER: I think I am as critical of my own management as I was of the commission, the other members of the commission. I discussed this with Robie and Meral, and I think they tried to get Johnson

to look at this situation, but that was the end of it as far as I was concerned.

CHALL: Because if he weren't going to move . . .

SINGER: Then I didn't see that I could be of any use in that role.

CHALL: Then there was nothing you could do as his representative, I suppose.

SINGER: Exactly. That was the feeling I had, that I didn't have the leadership behind me. I really was supposed to be his representative. I couldn't act on my own.

CHALL: Did the commission meet at Lake Tahoe?

SINGER: Yes, it did.

CHALL: Once a month or something like that?

SINGER: Yes, regularly.

CHALL: So you went up there?

SINGER: Yes.

CHALL: I've forgotten how many people were on that.

SINGER: My recollection is about nine.

CHALL: Nine. Yes, I think that was about it. And who was the chairman, do you recall?

SINGER: I can't remember. I can see him as somebody from Placer County at that time.

CHALL: Well, that's in the records anyway. It doesn't matter. Let's see now what we have. I don't think we have much more today.

SINGER: Let me tell you about the District Securities [Advisory] Commission.

CHALL: Yes, that's the next thing, the District Securities. You were on the commission.

SINGER: I represented the director of water resources.

CHALL: On the District Securities Advisory Commission. What is that?

SINGER: Well, it has kind of an interesting history. Back in the forties, that commission was established by statute. I think the purpose of it was to give recognition that the state should review and approve the issuance of bonds by water-related districts. It's a good idea. I guess it was working all right, but for administrative reasons, I suppose, it was decided that it would be appropriate to make the treasurer of the state the officer who's responsible for this. He wouldn't do the legwork. He was to appoint a commission again to advise him. Instead of it being an independent commission, it would be an arm of the treasurer. Their staff, which had probably already been in existence, did the work.

The commission held hearings and reviewed the work of the bureaucrats who were on the staff and would pretty much rubber stamp whatever the staff said was the right thing to do. By the time the project got to the commission, the staff had already worked out with the applicant all the problem areas. So whenever the matter came before the commission, it was usually approved.

After doing that for about a year and a half, I said to Robie, "Why do you think we need to have somebody on this commission? We're only saying aye to what is a foregone conclusion." He said, "Well, the main reason we wanted to be active on the commission was to see what kind of projects the districts are proposing--just to keep our hand in." I said, "But

really. I don't think the commission itself should exist, because it can't possibly say to the staff, 'You haven't done a good enough job.' We have no criteria, no standards for that." I think that it would be a good commission to sunset.

CHALL: I see.

SINGER: But I don't think that was done at that time. I think that it still rides along. But the Department of Water Resources does not have a representative on it anymore. And I think it was a waste of time. It was interesting for me to learn how districts put out bond issues. Unless they get certification from the treasurer, their bonds aren't going to be given a good rating, so it's important for them. Actually, it is not a big expense to the government. The districts pay for the work done by the staff. There are fees that cover the costs of the investigations. Recently the commission has been abolished by statute.

CHALL: When you went to these advisory commission meetings, you were only interested in the water districts?

SINGER: The only agencies involved are water districts.

CHALL: Oh, just water districts. So you didn't have to worry about health districts and all.

SINGER: No, there is another part of the treasurer's office that deals with that kind of debt. But the water agencies were under this particular part of the code. They all liked it. They think that it did them a lot of good to have that kind of certification, so they did what was required.

CHALL: Certification meaning certification of the commission or certification of the treasurer?

SINGER: The treasurer. The commission just says to the treasurer, "We've looked this over; it's fine," and he always certifies the issuance of the bond. I don't think there's been a case where he didn't go along. It's his staff that has made the investigation. So there are several layers of people saying, "Yes." Some of it isn't needed.

CHALL: Yes, I suppose they're independently organized in sort of corporations or whatever they are under the law.

SINGER: The districts?

CHALL: These districts, so that they could be putting out bonds. It's a debt on their districts.

SINGER: That's correct.

CHALL: Without going through the state, although the state would certainly want to know what was going on.

SINGER: It's voluntary on their part. They do not have to, but the organizations that put out the bonds say, "You better have this kind of acceptance or you won't get as good . . . "

CHALL: As good rating. Yes, the rating's important.

SINGER: That was an interesting assignment. I did it for two or three years. The meetings were in San Francisco. I feel that the commission was an unnecessary appendage to the treasurer's office.

It was an opportunity for the public to hear what the districts were proposing to invest in. Maybe once a year somebody would appear there other than the district representatives. Once in a great while--put it that way--somebody who objected to a project might testify. You'd

hear him, and then the commission still approved the project. We thought the Department of Water Resources could influence what the projects were about, but the law says you look at only the financial aspect of it, not the purpose.

CHALL: Not that it's a wise move.

SINGER: That's exactly right, yes.

CHALL: All right. Let me show you what you wrote [on your vitae], and see if we've covered the high spots, because I certainly wouldn't want to leave anything out that you might recall.

SINGER: I'm trying to think if there's any litigation that is of particular interest. No, I think that that's. . . . I am involved in certain legal long-term litigation, but I don't think that it's of any particular interest.

CHALL: Well, just in case five years from now it goes to the Supreme Court [Laughter], what might it be? What might they be?

SINGER: Well I'm involved right now in a water quality problem that involves San Pedro Bay. It's United States v. Montrose.

CHALL: United States v. Montrose?

SINGER: Montrose Chemical Company.

CHALL: That would have to do with quality, you said.

SINGER: Yes, it has to do with hazardous wastes. There's a case that involves Westlands that has recently been filed. It's Sumner Peck Ranch v. United States, et al. The state is one of the defendants. So are the Westlands District and the United States. It involves drainage, or the lack thereof. So those cases are interesting and, as I say, long-term lawsuits.

I'm trying to think if there's any other big subject that I'm involved in. Yes, there is one that I think that may be of interest, and that is the attempt to find a solution to the wetlands problems along the Sacramento River, the upper Sacramento River, where we're working out a way of providing for the wildlife along the banks of the river, and that will probably involve federal and state legislation.

CHALL: And with the recent presumed revision of what wetlands will be by the federal government--although I think that's still up in the air--will this change?

SINGER: Yes, but that isn't primarily what I'm involved with there. The question is to get people working together to provide a corridor of land that can be used for wildlife purposes as well as what they're doing, farming or other uses of the land.

CHALL: I see. This is in litigation?

SINGER: No, it is not litigation. It is a project. Another project that I'm working on--all of these things take forever [Laughter]--is the Los Banos Grandes facility that we're maybe going to build one of these days.

CHALL: Tell me about that.

SINGER: Well, it's a proposal for an off-stream storage reservoir. There's now a very small detention reservoir along Los Banos Creek that's part of the San Luis Project. But this would be a facility for the State Water Project. We had thought that maybe the federal government would want to be involved but that seems unlikely now. We are planning for about a million acre-feet reservoir to be built. Again, we would do as we do with the San

Luis facilities--fill it during the winter season when there's a lot of extra water, and then ship it to Kern County and southern California.

CHALL: I see. So that's only for holding, in good years.

SINGER: Yes. It wouldn't generate the water. It just holds the water from the Delta.

CHALL: It will be totally a state project.

SINGER: I think it will totally be a state project. It's possible, but I think unlikely, that we would have as a partner Southern Cal [California] Edison to generate power. That would be a pump storage kind of arrangement where you pump the water up and then you bring it down and return it.

CHALL: That's very important.

SINGER: Yes. The project probably won't be ready to go for another year or two--two years probably at the least--but it seems to be economically feasible although it has some environmental problems still. There's a sycamore grove that the EPA feels it's important to either preserve or to replace, but in general I would say that the project has a lot of support. So it's likely that it will within the next few years come into being, in the sense that it will get started. I don't think I'll see it completed, because it takes ten or twelve years for a project to get on line.

CHALL: When you say these projects--like the upper Sacramento River wetlands and the Los Banos--do they have to go through legislation? Are you writing bills for them?

SINGER: There is a bill that was passed a number of years ago, in 1985 I think, that authorized Los Banos Grandes.

[End Tape 7, Side A]

[Begin Tape 7, Side B]

SINGER: As to the other, I think that we probably don't need legislation, but we're not really 100 percent clear yet what the program's going to be, so it's not certain that we wouldn't need some legislation.

CHALL: You'd have to have bonds to pay for it, wouldn't you?

SINGER: We hope not. We hope that people contribute their property. Some of the land is being purchased by the Nature Conservancy now, and that's being done out of state bond money.

CHALL: That's the wetlands thing.

SINGER: Yes.

CHALL: What about the Los Banos? That's expensive.

SINGER: Very expensive, but as I say the authorization. . . . The money would need to be appropriated, sure. But we already have the authorizing legislation.

CHALL: I see. Now this is being done now under the [Governor Pete] Wilson administration where there's a continuing push for it.

SINGER: Yes.

CHALL: Did you tell me who is the new chief counsel?

SINGER: No. It's a person by the name of Susan Weber, who just happens to be out on maternity leave at this time.

CHALL: So that's a change.

SINGER: Yes. She's planning to be back in a few months.

CHALL: And how has it been for you to be working on these projects or any others in this administration?

SINGER: I don't think there is much difference as far as my work is concerned. I think Mr. Kennedy feels a difference, but that's not on my level. The understanding of what the administration is doing I get from the newspapers just the way you do.

CHALL: Well, those sound like interesting projects that you're working on.

SINGER: They are.

CHALL: So it's not dull here.

SINGER: No, I'm in the situation where I'm working because I enjoy it, and when I stop enjoying it, then I'll stop working.

CHALL: That's right. [Laughter]

SINGER: I hope you are, too.

CHALL: Yes, I am. Well, that's good. I think we've covered whatever we wanted to cover so we can say that we've done it, and thank you.

[End Tape 7, Side B]

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